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No. 66

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. EMERSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.

May 24, 2006.

I hereby appoint the Honorable JO ANN EMERSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,

Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Today the House of Representatives prays with the sentiments of the 122nd Psalm:

"I rejoiced because they said to me, 'We are on our way to the house of the Lord.' Even now, at times, I have a sense we are standing within your gates, O Jerusalem.

"Jerusalem, that holy city built as a sign of unity. To it the tribes of the Lord climb up. There all the tribes of the Lord are drawn together. I rejoiced when I heard them say, 'Together let us go up to the house of the Lord.'

"Pray for the peace of Jerusalem. Pray. May all those who love her prosper. May peace be found within and permeate all great endeavors.

"Because of relatives and friends, I will pray, 'May peace be upon you.' Because here is the dwelling of the Lord God, a place holy for Jew, Christian and Muslim. I will pray for your good."

To You, Lord God, be glory and honor forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the

last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. McNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. McNULTY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

After consultation among the Speaker, the majority and minority leaders, the Chair announces that during the joint meeting to hear an address by His Excellency Ehud Olmert, Prime Minister of Israel, only the doors immediately opposite the Speaker and those on her right and left will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance that is anticipated, the Chair feels the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

The practice of reserving seats prior to the joint meeting by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Friday, May 19, 2006, the House stands in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 4 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1050

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HIS EXCELLENCY EHUD OLMERT, PRIME MINISTER OF ISRAEL

The Speaker of the House presided. The Deputy Sergeant at Arms, Mrs. Kerri Hanley, announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort His Excellency Ehud Olmert, Prime Minister of Israel, into the Chamber:

The gentleman from Ohio (Mr. BOEHNER);

The gentleman from Missouri (Mr. BLUNT);

The gentlewoman from Ohio (Ms. PRYCE);

The gentleman from Virginia (Mr. CANTOR);

The gentleman from New York (Mr. REYNOLDS);

The gentleman from Florida (Mr. SHAW);

The gentleman from Texas (Mr. DELAY);

The gentlewoman from Florida (Ms. ROS-LEHTINEN);

The gentleman from Virginia (Mr. TOM DAVIS);

The gentleman from Georgia (Mr. PRICE);

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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The gentlewoman from California (Ms. PELOSI);

The gentleman from Maryland (Mr. HOYER);

The gentleman from South Carolina (Mr. CLYBURN);

The gentleman from Connecticut (Mr. LARSON);

The gentleman from California (Mr. LANTOS);

The gentleman from New York (Mr. ACKERMAN);

The gentlewoman from New York (Mrs. LOWEY);

The gentleman from California (Mr. WAXMAN);

The gentlewoman from California (Ms. HARMAN); and

The gentleman from California (Mr. BERMAN).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort His Excellency Ehud Olmert, Prime Minister of Israel, into the House Chamber:

The Senator from Tennessee (Mr. FRIST);

The Senator from Kentucky (Mr. MCCONNELL);

The Senator from Alaska (Mr. STEVENS);

The Senator from Pennsylvania (Mr. SANTORUM);

The Senator from Arizona (Mr. KYL);

The Senator from Pennsylvania (Mr. SPECTER);

The Senator from Minnesota (Mr. COLEMAN);

The Senator from Nevada (Mr. REID);

The Senator from Illinois (Mr. DURBIN);

The Senator from Michigan (Ms. STABENOW);

The Senator from Vermont (Mr. LEAHY);

The Senator from Michigan (Mr. LEVIN);

The Senator from Wisconsin (Mr. KOHL);

The Senator from Connecticut (Mr. LIEBERMAN);

The Senator from California (Mrs. FEINSTEIN);

The Senator from California (Mrs. BOXER);

The Senator from Wisconsin (Mr. FEINGOLD);

The Senator from Oregon (Mr. WYDEN);

The Senator from New York (Mrs. CLINTON); and

The Senator from New Jersey (Mr. LAUTENBERG).

The Deputy Sergeant at Arms announced the Acting Dean of the Diplomatic Corps, His Excellency Jesse Bibiano Marehalau, Ambassador of Micronesia.

The Acting Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Deputy Sergeant at Arms announced the Cabinet of the President of the United States.

The Members of the Cabinet of the President of the United States entered

the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 11 o'clock and 10 minutes a.m., the Deputy Sergeant at Arms announced His Excellency Ehud Olmert, Prime Minister of Israel.

The Prime Minister of Israel, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege and I deem it a high honor and a personal pleasure to present to you His Excellency Ehud Olmert, Prime Minister of Israel.

[Applause, the Members rising.]

ADDRESS BY HIS EXCELLENCY EHUD OLMERT, PRIME MINISTER OF ISRAEL

Prime Minister OLMERT. Mr. Speaker, Mr. Vice President, distinguished Members of the U.S. Congress, ladies and gentlemen, on behalf of the people and the State of Israel, I wish to express my profound gratitude to you for the privilege of addressing this joint meeting of the U.S. Congress. This building, this Chamber, and all of you stand as a testament to the enduring principles of liberty and democracy.

More than 30 years ago, I came to Washington as a young legislator thanks to a program sponsored by the State Department. I had a chance to tour this building, and I saw then what I believe today, that this institution, the United States Congress, is the greatest deliberative body in the world. I did not imagine then that a day would actually come when I would have the honor of addressing this forum as the Prime Minister of my nation, the State of Israel.

The United States is a superpower whose influence reaches across oceans and beyond borders. Your continued support, which, I am happy to say, transcends partisan affiliations, is of paramount importance to us. We revere the principles and values represented by your great country and are grateful for the unwavering support and friendship we have received from the U.S. Congress, from President George W. Bush, and from the American people.

Abraham Lincoln once said, "I am a success today because I had a friend who believed in me, and I didn't have the heart to let him down."

Israel is grateful that America believes in us. Let me assure you that we will not let you down.

The similarities in our economic, social and cultural identities are obvious, but there is something much deeper and everlasting. The unbreakable ties between our two nations extend far beyond mutual interests. They are based on our shared goals and values stemming from the very essence of our mutual foundations.

This coming Monday, the 29th of May, you commemorate Memorial Day

for America's fallen. The graves of brave American soldiers are scattered throughout the world: in Asia and in the Pacific, throughout Europe and Africa, in Iraq and throughout the Middle East. The pain of the families never heals, and the void they leave is never filled.

It is impossible to think of a world in which America was not there in the honorable service of humanity. On Monday, when the Stars and Stripes are lowered to half-mast, we, the people of Israel, will bow our heads with you.

Our two great nations share a profound belief in the importance of freedom and a common pioneering spirit deeply rooted in optimism. It was the energetic spirit of our pioneers that enabled our two countries to implement the impossible, to build cities where swamps once existed and to make the desert bloom.

My parents, Bella and Mordechai Olmert, were lucky. They escaped the persecution in the Ukraine and Russia and found sanctuary in Harbin, China. They immigrated to Israel to fulfill their dream of building a Jewish and democratic state living in peace in the land of our ancestors.

My parents came to the Holy Land following a verse in the Old Testament in the book of Second Samuel: "I will appoint a place for my people Israel and I will plant them in their land and they will dwell in their own place and be disturbed no more."

Distinguished Members of Congress, I come here, to this home of liberty and democracy, to tell you that my parents' dream, our dream, has only been partly fulfilled. We have succeeded in building a Jewish democratic homeland. We have succeeded in creating an oasis of hope and opportunity in a troubled region. But there has not yet been one year, one week, even one day of peace in our tortured land.

Our Israeli pioneers suffered, and their struggle was long and hard. Yet even today, almost 60 years after our independence, that struggle still endures. Since the birth of the State of Israel and until this very moment, we have been continually at war and amidst confrontation. The confrontation has become even more violent, the enemy turned even more inhumane due to the scourge of suicide terrorism. But we are not alone. Today, Israel, America, Europe, and democracies across the globe, unfortunately, face this enemy.

Over the past 6 years, more than 20,000 attempted terrorist attacks have been initiated against the people of Israel. Most, thankfully, have been foiled by our security forces. But those which have succeeded have resulted in the deaths of hundreds of innocent civilians and the injury of thousands, many of them children guilty only of being in what proved to be the wrong place at the wrong time.

These are not statistics. These are real people with beautiful souls that have left this Earth far too soon.

In the decade I served as mayor of my beloved city, Jerusalem, we faced the lion's share of the seemingly endless wave of terrorism.

I remember Galila, a 12-year-old Ethiopian immigrant, whose parents worked in the King David Hotel. On one particular morning, her parents, overwhelmed by the fear of riding a bus in the city of Jerusalem, told their daughter, "Galila, perhaps this morning, just this morning, we'll take you in the family car to your school."

And Galila said to her parents, "Oh, come on. Don't be silly. I know where to sit in the bus. I will be safe in the bus. Don't worry for me." It so happened that on that same day, the suicide attacker ascended that same bus and chose to sit just next to her.

When I visited her grieving parents, her mother came to me sobbing and she said, "You are the mayor. You have so much influence in this city. Will you do us just one last favor. Please try to find out something, just one item of remembrance that we will be able to take with us for the rest of our lives. Maybe just a shoelace of Galila's." I did everything a mayor could do. I summoned the police. I summoned the security forces. I instructed the municipal workers. I told them, "Go look out wherever you can." And then they came back and they said to me, "Mr. Mayor, nothing. Nothing. Not even a shoelace."

Among the victims of this brutal and unremitting terror, I am sorry to tell you, are also American citizens. Only last week, Daniel Cantor Wultz, a 16-year-old high school student from Weston, Florida, who came to spend the Passover holiday with his parents in Israel, succumbed to his severe injuries incurred in Israel's most recent suicide attack.

I asked Daniel's parents and sister, Yekutiel, Sheryl and Amanda Wultz, who only finished the traditional period of mourning 2 days ago, to be with us here today. Daniel was a relative of Congressman ERIC CANTOR of Virginia, an honorable Member of this House. Our thoughts and prayers are with you.

I bring Galila's memory, Daniel's memory, and the loss of so many others with me to my new post as Prime Minister. I also bring with me the horrific scenes I saw with my own eyes when I visited New York just a few days after the devastating attacks on September 11, a tragedy that transcends any other terrorist attack that has ever occurred.

As I told my good friend, Rudy Giuliani, on that dreadful day, our hearts went out to you, not only because of the friendship between us but because, tragically and personally, we both know what it is to confront the evil of terrorism at home.

Our countries do not just share the experience and pain of terrorism. We share the commitment and resolve to confront the brutal terrorists that took these innocent people from us. We share the commitment to extract from

our grief a renewed dedication to providing our people with a better future.

Let me state this as clearly as I can: We will not yield to terror. We will not surrender to terror. And we will win the war on terror and restore peace to our societies.

The Palestinian Authority is ruled by Hamas, an organization committed to vehement anti-Semitism, the glorification of terror, and the total destruction of Israel. As long as these are their guiding principles, they can never be a partner.

Therefore, while Israel works to ensure that the humanitarian needs of the Palestinian population are met, we can never capitulate to terrorists or terrorism. I pay tribute to the firmness and the clarity with which the President and this Congress uphold this crucial principle which we both firmly share.

Israel commends this Congress for initiating the Palestinian Anti-Terrorism Act which sends a firm, clear message that the United States of America will not tolerate terrorism in any form.

Like America, Israel seeks to rid itself of the horrors of terrorism. Israel yearns for peace and security. Israel is determined to take responsibility for its own future and take concrete steps to turn its dreams into reality. The painful, but necessary, process of disengagement from the Gaza Strip and Northern Samaria was an essential step.

At this moment, my thoughts turn especially to the great leader, who, in normal circumstances, should have stood here. Ariel Sharon, the legendary statesman and visionary, my friend and colleague, could not be here with us, but I am emboldened by the promise of continuing his mission. I pray, as I am sure you all do, too, for his recovery.

Ariel Sharon is a man of few words and great principles. His vision and dream of peace and security transcended time, philosophy, and politics. Israel must still meet the momentous challenge of guaranteeing the future of Israel as a democratic state with a Jewish majority, within permanent and defensible borders and a united Jerusalem as its capital that is open and accessible for the worship of all religions.

This was the dream to which Ariel Sharon was loyally committed. This was the mission he began to fulfill. It is the goal and the purpose of the Kadima Party that he founded and which I was the first to join. And it is this legacy of liberty, identity, and security that I embrace. It is what I am working towards. It is what I am so passionately hoping for.

Although our government has changed, Israel's goal remains the same. As Prime Minister Sharon clearly stated: "The Palestinians will forever be our neighbors. They are an inseparable part of this land, as are we. Israel has no desire to rule over them,

nor to oppress them. They too have a right for freedom and national inspirations."

With the vision of Ariel Sharon guiding my actions, from this podium today, I extend my hand in peace to Mahmoud Abbas, the elected President of the Palestinian Authority. On behalf of the State of Israel, we are willing to negotiate with a Palestinian Authority. This authority must renounce terrorism, dismantle the terrorist infrastructure, accept previous agreements and commitments, and recognize the right of Israel to exist.

Let us be clear: peace, without security, will bring neither peace nor security.

We will not, we cannot, compromise on these basic tests of partnership.

With a genuine Palestinian partner for peace, I believe we can reach an agreement on all the issues that divide us. Our past experience shows us it is possible to bridge the differences between our two peoples. I believe this, I know this, because we have done it before, in our peace treaties with Egypt and with Jordan. These treaties involved painful and difficult compromises. It required Israel to take real risks.

But if there is to be a just, fair and lasting peace, we need a partner who rejects violence and who values life more than death. We need a partner that affirms in action, not just in words, the rejection, prevention, and elimination of terror.

Peace with Egypt became possible only after President Anwar Sadat came to our Knesset and declared: "No more war and no more bloodshed." And peace with Jordan became possible only after the late King Hussein, here in Washington, declared the end of the state of belligerency, signed a peace treaty with us, and wholeheartedly acknowledged Israel's right to exist.

The lesson for the Palestinian people is clear. In a few years, they could be living in a Palestinian state, side by side in peace and security with Israel, a Palestinian state which Israel and the international community would help thrive.

But no one can make this happen for them if they refuse to make it happen for themselves.

For thousands of years, we Jews have been nourished and sustained by a yearning for our historic land. I, like many others, was raised with a deep conviction that the day would never come when we would have to relinquish parts of the land of our forefathers. I believed, and to this day still believe, in our people's eternal and historic right to this entire land.

But I also believe that dreams alone will not quiet the guns that have fired unceasingly for nearly a hundred years. Dreams alone will not enable us to preserve a secure, democratic Jewish state.

Jews all around the world read in this week's Torah portion: "And you will dwell in your land safely and I will

give you peace in the land, and there shall be no cause for fear. Neither shall the sword cross through the Promised Land.'

Painfully, we the people of Israel have learned to change our perspective. We have to compromise in the name of peace, to give up parts of our promised land in which every hill and every valley is saturated with Jewish history and in which our heroes are buried. We have to relinquish part of our dream to leave room for the dream of others, so that all of us can enjoy a better future. For this painful, but necessary, task my government was elected. And to this I am fully committed.

We hope and pray that our Palestinian neighbors will also awaken. We hope they will make the crucial distinction between implementing visions that can inspire us to build a better reality and mirages that will only lead us further into the darkness. We hope and pray for this, because no peace is more stable than one reached out of mutual understanding, not just for the past but for the future.

We owe a quiet and normal life to ourselves, our children, and our grandchildren. After defending ourselves for almost 60 years against attacks, all our children should be allowed to live free of fear and terror.

And so I ask of the Palestinians: How can a child growing up in a culture of hate dream of the possibility of peace? It is so important that all schools and all educational institutions in the region teach our children to be hate-free.

The key to a true, lasting peace in the Middle East is in the education of the next generation.

So let us today call out to all peoples of the Middle East: replace the culture of hate with an outlook of hope.

It is 3 years since the Road Map for Peace was presented. The Road Map was and remains the right plan. A Palestinian leadership that fulfills its commitments and obligations will find us a willing partner in peace. But if they refuse, we will not give a terrorist regime a veto over progress, or allow it to take hope hostage.

We cannot wait for the Palestinians forever. Our deepest wish is to build a better future for our region, hand in hand with a Palestinian partner; but, if not, we will move forward, but not alone.

We could never have implemented the Disengagement plan without your firm support. The Disengagement could never have happened without the commitments set out by President Bush in his letter of April 14, 2004, endorsed by both Houses of Congress in unprecedented majorities. In the name of the people of Israel, I thank President Bush for this commitment and for his support and friendship.

The next step is even more vital to our future and to the prospects of finally bringing peace to the Middle East. Success will only be possible with America as an active participant, leading the support of our friends in Europe and across the world.

Should we realize that the bilateral track with the Palestinians is of no consequence, should the Palestinians ignore our outstretched hand for peace, Israel will seek other alternatives to promote our future and the prospects of hope in the Middle East. At that juncture, the time for realignment will occur.

Realignment would be a process to allow Israel to build its future without being held hostage to Palestinian terrorist activities. Realignment would significantly reduce the friction between Israelis and Palestinians and prevent much of the conflict between our two battered nations.

The goal is to break the chains that have tangled our two peoples in unremitting violence for far too many generations. With our futures unbound, peace and stability might finally find its way to the doorsteps of this troubled region.

Mr. Speaker, Mr. Vice President, allow me to turn to another dark and gathering storm casting its shadow over the world.

Every generation is confronted with a moment of truth and trial. From the savagery of slavery, to the horrors of World War II, to the gulags of the Communist bloc, that which is right and good in this world has always been at war with the horrific evil permitted by human indifference.

Iran, the world's leading sponsor of terror, and a notorious violator of fundamental human rights, stands on the verge of acquiring nuclear weapons. With these weapons, the security of the entire world is put in jeopardy.

We deeply appreciate America's leadership on this issue and the strong bipartisan conviction that a nuclear-armed Iran is an intolerable threat to the peace and security of the world. It cannot be permitted to materialize. This Congress has proven its conviction by initiating the Iran Freedom and Support Act. We applaud these efforts.

A nuclear Iran means a terrorist state could achieve the primary mission for which terrorists live and die: the mass destruction of innocent human life. This challenge, which I believe is the test of our time, is one the West cannot afford to fail.

The radical Iranian regime has declared the United States its enemy. Its President believes it is his religious duty and his destiny to lead his country in a violent conflict against the infidels. With pride he denies the Jewish Holocaust and speaks brazenly, calling to wipe Israel off the map.

For us, this is an existential threat, a threat to which we cannot consent. But it is not Israel's threat alone. It is a threat to all those committed to stability in the Middle East and the well-being of the world at large.

Mr. Speaker, Mr. Vice President, our moment is now. History will judge our generation by the actions we take now, by our willingness to stand up for peace and security and freedom, and by our courage to do what is right.

The international community will be measured not by its intentions, but by its results. The international community will be judged by its ability to convince nations and peoples to turn their backs on hatred and zealotry.

If we don't take Iran's bellicose rhetoric seriously now, we will be forced to take its nuclear aggression seriously later.

Mr. Speaker, Mr. Vice President, the true Israel is not one you can understand through the tragic experiences of the complex geopolitical realities. Israel has impressive credentials in the realms of science, technology, high tech and the arts, and many Israelis are Nobel Prize laureates in various fields.

A land with limited resources, eager to facilitate cooperation with the United States, Israel devotes its best and brightest scientists to research and development for new generations of safe, reliable, efficient and environmentally friendly sources of energy. Both our countries share a desire for energy security and prevention of global warming. Therefore, through the United States-Israel Energy Cooperation Act and other joint frameworks, in collaboration with our U.S. counterparts, Israel will increase its efforts to find advanced scientific and technological solutions designed to develop new energy sources and encourage conservation.

Just one example of Israel's remarkable achievements is the recent \$4 billion purchase by an American company of Israel's industrial giant Iscar. This is an important endorsement of the Israeli economy, which has more companies listed on NASDAQ than any country other than the United States and Canada. It is also a vote of confidence in Israel's strategic initiative to enhance the economic and social development of our Negev and Galilee regions.

But above all, it is recognition that what unites us, Israel and America, is a commitment to tap the greatest resource of all, the human mind and the human spirit.

Ladies and gentlemen, we believe in the moral principles shared by our two nations, and they guide our political decisions.

We believe that life is sacred and fanaticism is not.

We believe that every democracy has the right and the duty to defend its citizens and its values against all enemies.

We believe that terrorism not only leads to war but that terrorism is war, a war that must be won every day, a war in which all men and women of good will must be allies.

We believe that peace among nations remains not just the noblest ideal but a genuine reality.

We believe that peace, based on mutual respect, must be and is attainable in the near future.

We, as Jews and citizens of Israel, believe that our Palestinian neighbors

want to live in peace. We believe that they have the desire, and hopefully the courage, to reject violence and hatred as means to attain national independence.

The Bible tells us that as Joshua stood on the verge of the Promised Land, he was given one exhortation: "Chazak Ve'ematz." "Be strong and of good courage."

Strength, without courage, will lead only to brutality. Courage, without strength, will lead only to futility. Only genuine courage and commitment to our values, backed by the will and the power to defend them, will lead us forward in the service of humanity.

To the Congress of the United States and to the great people of America, on behalf of the people of Israel, I want to say today: chazak ve'ematz, be strong and of good courage; and we, and all peoples who cherish freedom, will be with you.

God bless you.

And God bless America.

Thank you.

[Applause, the Members rising.]

At noon, His Excellency Ehud Olmert, Prime Minister of Israel, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Deputy Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The Members of the President's Cabinet;

The Acting Dean of the Diplomatic Corps.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 12 o'clock and 5 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess until 12:30 p.m.

□ 1245

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOOZMAN) at 12 o'clock and 45 minutes p.m.

PRINT OF PROCEEDINGS HAD DURING RECESS

Mr. POE. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2803. An act to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 1-minutes on each side.

A MARINE—A MEMORIAL DAY

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, Harlon Block and his high school teammates took their friendship, bravery and boldness off the football field and on to the battlefield.

Twenty-two-year-old Corporal Block, from the small border town of Weslaco, Texas, would end his journey as a Marine atop an extinct volcano on Iwo Jima. February 23, 1945. The single most patriotic photographic scene in American history would erupt.

Six men vowed to raise a large American flag atop Mt. Suribachi, as they said, "so that every Marine on this cruddy island can see it."

That picture would be the last for three of those heroes, including Harlon Block. Admiral Chester Nimitz said, "Among the men who fought on Iwo Jima, uncommon valor was a common virtue."

Harlon Block's desire to fight for freedom was a common trait for those warriors who thought the American flag was worth dying for.

This Memorial Day we will remember men like Harlon Block, the other 400,000 of the Greatest Generation who died in the great World War II and all those who died in America and for America's service.

We shall never flinch, never flee, never fear, because we will never forget the Americans.

And that's just the way it is.

KENTUCKY MINERS

(Mr. CHANDLER asked and was given permission to address the House for 1 minute.)

Mr. CHANDLER. Mr. Speaker, I rise today on behalf of Amon Brock, Jimmy D. Lee, George Petra, Paris Thomas, Jr., Roy Middleton and Steve Bryant. These are the names of Kentucky miners who have died in the last week.

As we just heard this morning, the other body acted on behalf of our miners, and it is critical that the House take immediate action and pass H.R. 5389, a comprehensive mining bill that will not only crack down on negligent

operators but save lives. This body should not risk another miner's life by failing to act.

I call on all of my colleagues to reach across party lines for the sake of our miners who are simply trying to go to work and provide for their families.

DEMOCRATS OPPOSE SECURING THE BORDER

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, House Republicans are committed to securing our Nation's borders in order to ensure that our citizens remain safe and secure. One of my Republican colleagues from Virginia recently introduced an amendment to the National Defense Authorization Act that would permit members of our Armed Forces to assist with border protection under certain circumstances.

The Democrats like to say they are working to keep our country secure, but they voted "no" on this common-sense amendment, and this is not the first time they voted against important border security and national security measures.

Republicans voted to pass a major border security bill this past December, but Democrats voted "no" on the bill.

Republicans voted to pass the REAL ID Act to make sure that people who receive driver's licenses are here legally, but Democrats voted "no" on the bill.

Mr. Speaker, House Democrats have had ample opportunity to show that they are serious about border security. Yet every time they get a chance to prove it, they vote "no."

IN HONOR OF GILLETT, ARKANSAS' CENTENNIAL CELEBRATION

(Mr. BERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to my hometown of Gillett, Arkansas, which will celebrate its 100th anniversary this year. This is a significant milestone for our community and for all those who shaped our town's history.

Gillett was incorporated in 1906, several decades after the first settlers migrated there from Fulton County, Illinois, in 1881. These early settlers purchased land; built modest homes; farmed crops of oats, corn and cotton; and developed orchards; and raised cattle. They worked hard to establish a town, building the first school and the first church in 1886, the first store in 1888, and lobbying for the completion of the railroad from Stuttgart, Arkansas, to the new town in 1892.

The name Gillett first appeared in 1892 after community leaders designated the town's first U.S. post office in honor of Francis M. Gillett, president of the railroad company. The

name stuck, and by November 21, 1906, the County Court of Arkansas County approved a petition to incorporate the town of Gillett. The town was busy in those early years, establishing the Bank of Gillett, constructing the first sidewalks, building a modern two-story high school on Champion Avenue, and dedicating the first flagpole in honor of the men from Gillett serving in World War I. By the early 1920s, Gillett recorded its highest population ever of 1,175 citizens.

Gillett hit difficult times, however, in the late 1920s when the flood of 1927 and the Great Depression came. Residents lost their homes and farms, the local bank closed its doors, and businesses went bankrupt. It was not until the 1930s when jobs started to reappear as sawmills, stave mills, and handle factories relocated to our city.

Gillett sent many men into World War II in the 1940s. Some were captured as prisoners of war in the Pacific. Others lost their life fighting for their country. While the town prayed for its war heroes, community leaders continued working to improve the economic conditions in Gillett. In 1946, all the one-room schools in the area moved to Gillett District 66, and the town held its first Coon Supper to raise money for local school and youth activities. This event evolved over the years into one of Arkansas' most popular political events and now receives national and worldwide attention.

The town continued to grow during the 1950s and 1960s, with Gillett High School attaining North Central Accreditation, the construction of the Arkansas River Navigation Project, integration of the schools, and the establishment of the Planters and Merchants Bank of Gillett. Farmers and businesses continued to turn a profit, and by the 1970s area farmers reported all-time highs for commodities. Farms were paid off, new machinery purchased, and new homes constructed.

The town itself also underwent a number of improvements thanks to the Federal Revenue Sharing period. A new city hall was constructed, and street improvements were made. A library was built, water and sewer improvements received attention, and many beautification projects took place.

Despite the booming times of the 1960s and 1970s, the depressed farm economy of the 1980s and 1990s proved to be a challenging time for our citizens. Many businesses closed, and construction of new homes came to a halt. Population figures declined from the highs of the 1920s and 1960s, and the schools continued to lose enrollment. This declining enrollment posed a serious threat during the 1980s, when a consolidation proposal almost cost the town its schools.

It was during this time, in 1996, when the citizens of Gillett helped elect me to represent Arkansas's 1st Congressional District in the United States House of Representatives. As a resident of Gillett, Arkansas, I am honored to

serve my friends in Congress and have spent the past decade working to restore prosperity to the region. We continue to fight for our farmers who struggle with high fuel and fertilizer costs, and we are working to diversify our energy supply so places like Gillett can benefit from new opportunities.

Gillett has always been a town of citizens who pull together during tough times to improve our schools, help our businesses grow, and attract new development to the region. On May 27, 2006, our community will gather to celebrate 100 years as a corporate community. We will hold a parade down Main Street, reflect on our history, and place a time capsule in front of city hall to preserve our story for generations to come.

I ask my colleagues to join me in congratulating my hometown of Gillett, Arkansas, on this significant milestone. We send our appreciation to the town's citizens for years of hard work and dedication to their community and wish Gillett many more years as a wonderful place to live and raise a family.

HEALTH IT

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today in support of Health Information Technology, one of the most important and immediate ways we can increase patient safety and help more Americans access quality health care.

Health Information Technology, like electronic medical records and e-prescribing, can help doctors save money, time and, most importantly, save lives. But as I speak to practicing physicians across America, I am hearing the same thing time and time again, Mr. Speaker: I would love to invest in this new technology, but the costs are simply prohibitive.

This is why I have introduced H.R. 4641, legislation to increase tax deductions for physicians who invest in Health Information Technology. If more physicians can afford Health IT, more Americans can benefit from these systems.

Mr. Speaker, a recent RAND study reveals that a widely adopted Health IT system could save the United States more than \$126 billion each and every year. We have a unique opportunity then to help doctors, patients and the American taxpayer in one fell swoop.

It is absolutely crucial that we encourage the adoption of HIT, Health Information Technology. Congress must act, and we must act now. H.R. 4641 is the right approach to lower the cost barriers to Health IT for our physicians.

STEM CELL RESEARCH

(Ms. BALDWIN asked and was given permission to address the House for 1 minute.)

Ms. BALDWIN. Mr. Speaker, I am fortunate to represent the University of Wisconsin-Madison, where Dr. Jamie Thompson and his team of scientists were the first to derive and culture human embryonic stem cells in a lab.

Embryonic stem cells open up the possibility of dramatic new medical treatments, transplantation therapies and cures. But on August 9, 2001, the hope and promise of this research was greatly curtailed by this administration's severe restrictions on Federal research dollars.

Last year, I was proud to fight for the passage of H.R. 810, a bill that opens up Federal research dollars to stem cells derived from donated embryos. One year has gone by since the House passed that bill. It is time for the Senate to act. We can no longer tie the hands of our scientists. We need to unlock the promise that this research holds.

U.S. MOX PROGRAM

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Mr. Speaker, in 2000, the U.S. and Russia agreed to dispose of 34 metric tons of surplus weapons-grade plutonium by turning it into a mixed oxide fuel for existing commercial nuclear reactors. Recently, the future of this program, which is vital to our national security, has been in doubt.

I acknowledge, sure, there have been delays, but I am confident that language previously agreed to by the House will allow the U.S. MOX program to move forward regardless of the pace of the Russian program. Moving forward in this unilateral fashion makes good sense.

I am proud that the Savannah River Site in my district has been selected for this important project. Eliminating the MOX program in the Energy and Water Appropriations Act for fiscal year 2007 is wrong not only for my State but the Nation and the world.

The chairman has made his thoughts clear, but I respectfully disagree with his conclusions and will not be able to support any legislation that effectively turns South Carolina into a dumping ground. That is why I will not be able to support H.R. 5427 when it comes to a vote later today.

□ 1300

VETERANS AND CULTURALLY APPROPRIATE CARE

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, today I rise to urge my colleagues to provide greater funding for our Nation's veterans. More than 24 million veterans and their families have sacrificed for this country, yet the majority continues to underfund vital mental health and bereavement counseling.

The growing numbers of minorities in the military and their families is especially important to note. One in 10 soldiers in the U.S. Army and one in seven marines are of Latino extraction, 7 percent of the U.S. Navy is Asian Pacific Islander, and 3 percent of the Navy and Marine Corps is Native American. But only 43 percent of the VA's staff is trained to implement culturally and linguistically appropriate programs, and only 24 percent of the facilities have translated materials into languages that are used by our servicemen and their families.

I urge my colleagues to support a bill I introduced, H.R. 5007, to ensure that veterans and their families receive culturally and linguistically competent health care, especially those suffering from post-traumatic stress disorder.

As we remember Memorial Day, we should not hinder but support our military veterans and their families. And I send my special condolences to the families of the 11 soldiers who died in Iraq from my district.

ON MEMORIAL DAY AND IN HONOR OF CHIEF WARRANT OFFICER KYLE JACKSON

(Ms. HARRIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HARRIS. Mr. Speaker, I rise today in honor of the life of Chief Warrant Officer Kyle Jackson, a Sarasota native and an American hero.

By the measure of time, Kyle's life was too short. Yet in the words of Rudyard Kipling, he filled "the unforgiving minute with 60 seconds' worth of distance run."

A 28-year-old father of two, Kyle treasured the fullness of each and every day and treasured the fragility of every moment. His father, Gary, said that "he wanted to do his job and wanted to do it well." As a father and a son, as a soldier and a marine, Kyle gave the full measure of his heart and soul to the performance of all of his duties.

After September 11, 2001, Kyle heard the call to serve his Nation and reenlisted in the Armed Forces. Earlier this year, while stationed in Iraq, he answered God's call and gave to a grateful Nation his most treasured gift, his life.

Kyle is not unlike the many brave men and women who have died in our Nation's defense, except to his wife, Betsy, his daughters Alia and Keira, and all who were blessed to have shared a moment with him.

I wish to recognize Kyle Jackson for his extraordinary service to his Nation and to his family.

NUCLEAR IRAN

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Mr. Speaker, the danger of a nuclear Iran may be the biggest security challenge facing America and the world, and now it appears that the Iranian regime might finally be willing to talk about ending their nuclear weapons programs.

This opportunity raises many questions. Can we depend on Iran to negotiate in good faith? Is Iran truly ready to renounce terrorism? And what will be the cost to the people of Iran if we engage a regime that oppresses its own people?

We must confront all these questions and scour our conscience for the answers. But these questions are dwarfed by a more immediate one: Do we have the courage, the foresight and the strength of will to seize this opportunity? Will we be brave enough to talk with Iran and risk a diplomatic failure? Or will we be so afraid to talk that we would risk war?

I ask the President to confront his fears, justified as they may be, and choose the courageous path of reaching out to engage Iran on a diplomatic formula to end the Iranian nuclear program.

IMMIGRANT SMUGGLERS AVOID PROSECUTION

(Mr. KELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KELLER. Mr. Speaker, 94 percent of the felons arrested for illegally smuggling aliens across the Mexico border near San Diego are never prosecuted by the U.S. Attorney. This is according to a shocking internal Border Patrol report just revealed by the Associated Press.

Are you surprised? I told the Attorney General about this problem on April 6, and I spoke on the House floor about it on April 27. On my recent trip to the Mexico border, Border Patrol agents in California told me that they have arrested the same coyotes 20 times but they are not prosecuted.

The pathetic failure of the U.S. Attorney in San Diego to prosecute alien smugglers who have been arrested 20 times is a demoralizing slap in the face to Border Patrol agents to who risk their lives every day. This U.S. Attorney has, however, recently prosecuted someone for selling a Mark McGuire baseball card with a forged signature.

Here is a tip: Stop worrying about baseball cards and start worrying about enforcing our immigration laws.

HOUSE GOP CANNOT GOVERN

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, during a 48-hour period last week, the House Republican majority once again demonstrated why they cannot govern. After weeks of arm twisting and two

failed attempts to bring up a budget, the Republican leadership finally forced a vote late last Wednesday. Democrats stood united against the budget. Republicans were forcing major cuts in education, veterans, health and environmental programs. Also, they would continue to shower millionaires with tax breaks.

Nevertheless, the Republican budget passed. Two days later, they saw the implications of that vote when a small group of House Republicans stripped \$50 million out of the military construction and veterans appropriations bill because the funding did not fit into the budget that they passed 2 days before.

House Republicans have nobody to blame but themselves. They are the ones who continue to put the needs of the wealthiest few above the needs of our veterans, our military personnel, our children and our environment.

The sad fact is that what America witnessed last Friday afternoon will be repeated over and over again here on the House floor until Republicans finally realize that their fiscal policies are out of sync with this Nation.

TRIBUTE TO PAM KOCHER, 2006 JOSEPH MOAKLEY AWARD FOR EXEMPLARY PUBLIC SERVICE RECIPIENT

(Mr. BRADLEY of New Hampshire asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRADLEY of New Hampshire. Mr. Speaker, today I rise to pay tribute to Pam Kocher of New Hampshire, the recipient of the 2006 Congressman Joseph Moakley Award for Exemplary Public Service. Pam Kocher's service extends over three decades and includes serving in elected office at the local level and working for elected officials at the Federal level.

Pam's many years of service, coupled with her strong working relationships, came in very handy last summer when the Maine and New Hampshire congressional delegations were faced with the daunting task of convincing the BRAC Commission to keep the Portsmouth Naval Shipyard open. Pam's leadership in bringing together a community-based coalition was one of the driving factors in our success.

Pam credits her driving force as wanting to make government work for people. She stands for hard work, is a problem solver and knows how to bring people together to work towards a common goal.

I congratulate and thank Pam on her years of hard work and dedication to New Hampshire, New England and our great Nation.

SOME POLITICIANS JUST DON'T GET IT

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, let me take you back to another time, 1986, and at that time, America had a problem with illegal immigration. They said we had about 3 million illegals here in the country. And in that debate, many people said that we needed to provide amnesty to those who were working here because we couldn't deport all of them and our country needed the labor.

In exchange for granting amnesty, Congress and the American people were promised that the Federal Government would vigorously enforce our border. The illegal aliens got amnesty all right, and many became citizens, even though they violated the law to get here. But the Federal Government did not secure our border. The results of that action? An estimated 12 million more illegal aliens in our country today.

Some are again calling for amnesty with a promise for stronger border controls. But the American people are not buying it again, and neither is a majority of this House. The American people and a majority of this House are demanding border security first.

And as the Who said, "We won't be fooled again!"

No amnesty.

EXPRESSING SUPPORT FOR THE MOX PROGRAM

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, during my service, I have worked with my colleagues from South Carolina and Georgia, especially GRESHAM BARRETT and CHARLIE NORWOOD and our four U.S. Senators, to ensure a mixed oxide facility is built at the Savannah River Site. Two weeks ago, we were grateful when 396 Members of Congress voted for the defense authorization bill and approved a measure which funds and delinks the U.S.-Russia MOX programs.

After celebrating this tremendous victory, we were extremely disappointed to learn that there is an effort to eliminate all funding for the MOX program. While I respect my colleagues, I strongly disagree with their decision and will continue to fight for this critical funding to be restored in the coming weeks.

I believe the MOX program is the most viable way for America to reduce its excess plutonium supply, and we must move forward with our non-proliferation commitments as we end future storage in South Carolina.

In conclusion, God bless our troops, and we will never forget September 11.

VETERANS IDENTITY PROTECTION ACT

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, many of us are talking about our veterans. And as we approach Memorial Day, it has been with great sorrow and great concern that we have noticed some of the headlines and the information on personal data of veterans being stolen. That is of tremendous concern to us, and I want to thank Chairman BUYER and the Veterans' Affairs Committee for their prompt actions in addressing this issue.

I also would like to call to the attention of the House a piece of legislation that my colleague, Representative SIMMONS, and I are working on. It is the Veterans Identity Protection Act of 2006. We will be filing the bill on Friday. Mr. SIMMONS is a Vietnam veteran, and he understands the problems that veterans face every day.

We know that veterans have placed their faith in the government to responsibly protect their personal information, and that that trust has been damaged. That is why the Blackburn-Simmons bill requires that more stringent controls be placed on the management of personal data. We also want to help those veterans monitor their credit to be certain that no one has stolen their identities.

Government has an obligation to these men and women who have been breached in the loss of this information, and we want to be certain that that obligation is met. Mr. Speaker, I would commend the legislation to each of our colleagues and encourage them to join with us in supporting the veterans of this great Nation.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4755

Mr. PITTS. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor H.R. 4755, the Federal Aviation Administration Fair Labor Management Dispute Resolution Act of 2006.

The SPEAKER pro tempore (Mr. BOOZMAN). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

THE CASE FOR BEING IN IRAQ

(Mr. PITTS asked and was given permission to address the House for 1 minute.)

Mr. PITTS. Mr. Speaker, public opinion polls show shrinking support for the war in Iraq. No doubt the nonstop media coverage questioning President Bush's motives for going to war have contributed greatly to these poll numbers.

But where is the coverage of the progress being made in Iraq? A recent 230-page Pentagon report analyzing thousands of Iraqi documents and interviews with officials from Saddam Hussein's regime is extremely enlightening.

The report shows Saddam's well-established support of terrorist activities

dating back to 1994. This includes the establishment of terror training camps within Iraq's borders, and one document shows Saddam's son, Uday, coordinating a martyrdom operation called Blessed July aimed at targets in the West.

Russian President Putin has publicly stated that Russian Special Services had received information that Saddam's officials were preparing attacks on the U.S., and he reported this to the U.S.

Mr. Speaker, it is time the American people hear more about the facts that supported our decision to go to war. We must maintain our resolve to fight extremist terrorists, and we must finish the job in Iraq.

INTRODUCTION OF ZERO BASELINE BUDGET ACT

(Mr. GOHMERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOHMERT. Mr. Speaker, I rise to congratulate the Republican leadership on passing a budget resolution for fiscal year 2007. However, I must point out that the resolution we passed last week provides for a \$27 billion increase in nonemergency discretionary spending over fiscal year 2006, when we spent more than we did in fiscal year 2005, when we spent more than we did in fiscal year 2004, and so on.

The Federal Government has a long track record of spending more money than it takes in. Our fiscal irresponsibility has to stop somewhere. That is why I am introducing today a bill titled the Zero Baseline Budget Act of 2006. This bill will amend the misnamed so-called Balanced Budget Emergency Deficit Control Act of 1985, which instructs Congress to continue spending more money than it takes in every year by creating a budget baseline that automatically increases over the previous year's spending.

The Zero Baseline Budget Act will instruct the CBO to provide a baseline that has no automatic increases and does not contain emergency and supplemental spending over the previous year. The baseline for the next year will merely be the sum of the year-long spending bills in effect for the current year.

This way, an increase is an increase, a cut is a cut, and the status quo is neither. What a novel idea, for the government to say what it actually means.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken later today.

□ 1315

SAFE AND TIMELY INTERSTATE
PLACEMENT OF FOSTER CHILD-
REN ACT OF 2006

Mr. HERGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5403) to improve protections for children and to hold States accountable for the safe and timely placement of children across State lines, and for other purposes.

The Clerk read as follows:

H.R. 5403

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safe and Timely Interstate Placement of Foster Children Act of 2006".

SEC. 2. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) the States should expeditiously ratify the revised Interstate Compact for the Placement of Children recently promulgated by the American Public Human Services Association;

(2) this Act and the revised Interstate Compact for the Placement of Children should not apply to those seeking placement in a licensed residential facility primarily to access clinical mental health services;

(3) the States should recognize and implement the deadlines for the completion and approval of home studies as provided in section 4 to move children more quickly into safe, permanent homes; and

(4) Federal policy should encourage the safe and expedited placement of children into safe, permanent homes across State lines.

SEC. 3. ORDERLY AND TIMELY PROCESS FOR
INTERSTATE PLACEMENT OF CHILD-
REN.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) by striking "and" at the end of paragraph (23);

(2) by striking the period at the end of paragraph (24) and inserting "; and"; and

(3) by adding at the end the following:

"(25) provide that the State shall have in effect procedures for the orderly and timely interstate placement of children; and procedures implemented in accordance with an interstate compact, if incorporating with the procedures prescribed by paragraph (26), shall be considered to satisfy the requirement of this paragraph."

SEC. 4. HOME STUDIES.

(a) ORDERLY PROCESS.—

(1) IN GENERAL.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is further amended—

(A) by striking "and" at the end of paragraph (24);

(B) by striking the period at the end of paragraph (25) and inserting "; and"; and

(C) by adding at the end the following:

"(26) provides that—

"(A)(i) within 60 days after the State receives from another State a request to conduct a study of a home environment for purposes of assessing the safety and suitability of placing a child in the home, the State shall, directly or by contract—

"(I) conduct and complete the study; and

"(II) return to the other State a report on the results of the study, which shall address the extent to which placement in the home would meet the needs of the child; and

"(ii) in the case of a home study begun on or before September 30, 2008, if the State fails to comply with clause (i) within the 60-

day period as a result of circumstances beyond the control of the State (such as a failure by a Federal agency to provide the results of a background check, or the failure by any entity to provide completed medical forms, requested by the State at least 45 days before the end of the 60-day period), the State shall have 75 days to comply with clause (i) if the State documents the circumstances involved and certifies that completing the home study is in the best interests of the child; except that

"(iii) this subparagraph shall not be construed to require the State to have completed, within the applicable period, the parts of the home study involving the education and training of the prospective foster or adoptive parents;

"(B) the State shall treat any report described in subparagraph (A) that is received from another State or an Indian tribe (or from a private agency under contract with another State) as meeting any requirements imposed by the State for the completion of a home study before placing a child in the home, unless, within 14 days after receipt of the report, the State determines, based on grounds that are specific to the content of the report, that making a decision in reliance on the report would be contrary to the welfare of the child; and

"(C) the State shall not impose any restriction on the ability of a State agency administering, or supervising the administration of, a State program operated under a State plan approved under this part to contract with a private agency for the conduct of a home study described in subparagraph (A)."

(2) REPORT TO THE CONGRESS.—Within 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report on—

(A) how frequently States need the extended 75-day period provided for in clause (ii) of section 471(a)(26)(A) of the Social Security Act in order to comply with clause (i) of such section;

(B) the reasons given for utilizing the extended compliance period;

(C) the extent to which utilizing the extended compliance period leads to the resolution of the circumstances beyond the control of the State; and

(D) the actions taken by States and any relevant Federal agencies to resolve the need for the extended compliance period.

(3) SENSE OF THE CONGRESS.—It is the sense of the Congress that each State should—

(A) use private agencies to conduct home studies when doing so is necessary to meet the requirements of section 471(a)(26) of the Social Security Act; and

(B) give full faith and credit to any home study report completed by any other State or an Indian tribe with respect to the placement of a child in foster care or for adoption.

(b) TIMELY INTERSTATE HOME STUDY INCENTIVE PAYMENTS.—Part E of title IV of the Social Security Act (42 U.S.C. 670–679b) is amended by inserting after section 473A the following:

"SEC. 473B. TIMELY INTERSTATE HOME STUDY
INCENTIVE PAYMENTS.

"(a) GRANT AUTHORITY.—The Secretary shall make a grant to each State that is a home study incentive-eligible State for a fiscal year in an amount equal to the timely interstate home study incentive payment payable to the State under this section for the fiscal year, which shall be payable in the immediately succeeding fiscal year.

"(b) HOME STUDY INCENTIVE-ELIGIBLE STATE.—A State is a home study incentive-eligible State for a fiscal year if—

"(1) the State has a plan approved under this part for the fiscal year;

"(2) the State is in compliance with subsection (c) for the fiscal year; and

"(3) based on data submitted and verified pursuant to subsection (c), the State has completed a timely interstate home study during the fiscal year.

"(c) DATA REQUIREMENTS.—

"(1) IN GENERAL.—A State is in compliance with this subsection for a fiscal year if the State has provided to the Secretary a written report, covering the preceding fiscal year, that specifies—

"(A) the total number of interstate home studies requested by the State with respect to children in foster care under the responsibility of the State, and with respect to each such study, the identity of the other State involved;

"(B) the total number of timely interstate home studies completed by the State with respect to children in foster care under the responsibility of other States, and with respect to each such study, the identity of the other State involved; and

"(C) such other information as the Secretary may require in order to determine whether the State is a home study incentive-eligible State.

"(2) VERIFICATION OF DATA.—In determining the number of timely interstate home studies to be attributed to a State under this section, the Secretary shall check the data provided by the State under paragraph (1) against complementary data so provided by other States.

"(d) TIMELY INTERSTATE HOME STUDY INCENTIVE PAYMENTS.—

"(1) IN GENERAL.—The timely interstate home study incentive payment payable to a State for a fiscal year shall be \$1,500, multiplied by the number of timely interstate home studies attributed to the State under this section during the fiscal year, subject to paragraph (2).

"(2) PRO RATA ADJUSTMENT IF INSUFFICIENT FUNDS AVAILABLE.—If the total amount of timely interstate home study incentive payments otherwise payable under this section for a fiscal year exceeds the total of the amounts made available pursuant to subsection (h) for the fiscal year (reduced (but not below zero) by the total of the amounts (if any) payable under paragraph (3) of this subsection with respect to the preceding fiscal year), the amount of each such otherwise payable incentive payment shall be reduced by a percentage equal to—

"(A) the total of the amounts so made available (as so reduced); divided by

"(B) the total of such otherwise payable incentive payments.

"(3) APPROPRIATIONS AVAILABLE FOR UNPAID
INCENTIVE PAYMENTS FOR PRIOR FISCAL
YEARS.—

"(A) IN GENERAL.—If payments under this section are reduced under paragraph (2) or subparagraph (B) of this paragraph for a fiscal year, then, before making any other payment under this section for the next fiscal year, the Secretary shall pay each State whose payment was so reduced an amount equal to the total amount of the reductions which applied to the State, subject to subparagraph (B) of this paragraph.

"(B) PRO RATA ADJUSTMENT IF INSUFFICIENT FUNDS AVAILABLE.—If the total amount of payments otherwise payable under subparagraph (A) of this paragraph for a fiscal year exceeds the total of the amounts made available pursuant to subsection (h) for the fiscal year, the amount of each such payment shall be reduced by a percentage equal to—

"(i) the total of the amounts so made available; divided by

"(ii) the total of such otherwise payable payments.

“(e) TWO-YEAR AVAILABILITY OF INCENTIVE PAYMENTS.—Payments to a State under this section in a fiscal year shall remain available for use by the State through the end of the next fiscal year.

“(f) LIMITATIONS ON USE OF INCENTIVE PAYMENTS.—A State shall not expend an amount paid to the State under this section except to provide to children or families any service (including post-adoption services) that may be provided under part B or E. Amounts expended by a State in accordance with the preceding sentence shall be disregarded in determining State expenditures for purposes of Federal matching payments under sections 423, 434, and 474.

“(g) DEFINITIONS.—In this section:

“(1) HOME STUDY.—The term ‘home study’ means an evaluation of a home environment conducted in accordance with applicable requirements of the State in which the home is located, to determine whether a proposed placement of a child would meet the individual needs of the child, including the child’s safety, permanency, health, well-being, and mental, emotional, and physical development.

“(2) INTERSTATE HOME STUDY.—The term ‘interstate home study’ means a home study conducted by a State at the request of another State, to facilitate an adoptive or foster placement in the State of a child in foster care under the responsibility of the State.

“(3) TIMELY INTERSTATE HOME STUDY.—The term ‘timely interstate home study’ means an interstate home study completed by a State if the State provides to the State that requested the study, within 30 days after receipt of the request, a report on the results of the study. The preceding sentence shall not be construed to require the State to have completed, within the 30-day period, the parts of the home study involving the education and training of the prospective foster or adoptive parents.

“(h) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—For payments under this section, there are authorized to be appropriated to the Secretary—

“(A) \$10,000,000 for fiscal year 2007;

“(B) \$10,000,000 for fiscal year 2008;

“(C) \$10,000,000 for fiscal year 2009; and

“(D) \$10,000,000 for fiscal year 2010.

“(2) AVAILABILITY.—Amounts appropriated under paragraph (1) are authorized to remain available until expended.”

(c) REPEALER.—Effective October 1, 2010, section 473B of the Social Security Act is repealed.

SEC. 5. SENSE OF THE CONGRESS.

It is the sense of the Congress that State agencies should fully cooperate with any court which has authority with respect to the placement of a child in foster care or for adoption, for the purpose of locating a parent of the child, and such cooperation should include making available all information obtained from the Federal Parent Locator Service.

SEC. 6. CASEWORKER VISITS.

(a) PURCHASE OF SERVICES IN INTERSTATE PLACEMENT CASES.—Section 475(5)(A)(ii) of the Social Security Act (42 U.S.C. 675(5)(A)(ii)) is amended by striking “or of the State in which the child has been placed” and inserting “of the State in which the child has been placed, or of a private agency under contract with either such State”.

(b) INCREASED VISITS.—Section 475(5)(A)(ii) of such Act (42 U.S.C. 675(5)(A)(ii)) is amended by striking “12” and inserting “6”.

SEC. 7. HEALTH AND EDUCATION RECORDS.

Section 475 of the Social Security Act (42 U.S.C. 675) is amended—

(1) in paragraph (1)(C)—

(A) by striking “To the extent available and accessible, the” and inserting “The”; and

(B) by inserting “the most recent information available regarding” after “including”; and

(2) in paragraph (5)(D)—

(A) by inserting “a copy of the record is” before “supplied”; and

(B) by inserting “, and is supplied to the child at no cost at the time the child leaves foster care if the child is leaving foster care by reason of having attained the age of majority under State law” before the semicolon.

SEC. 8. RIGHT TO BE HEARD IN FOSTER CARE PROCEEDINGS.

(a) IN GENERAL.—Section 475(5)(G) of the Social Security Act (42 U.S.C. 675(5)(G)) is amended—

(1) by striking “an opportunity” and inserting “a right”; and

(2) by striking “and opportunity” and inserting “and right”; and

(3) by striking “review or hearing” each place it appears and inserting “proceeding”.

(b) NOTICE OF PROCEEDING.—Section 438(b) of such Act (42 U.S.C. 638(b)) is amended by inserting “shall have in effect a rule requiring State courts to ensure that foster parents, pre-adoptive parents, and relative caregivers of a child in foster care under the responsibility of the State are notified of any proceeding to be held with respect to the child, and” after “highest State court”.

SEC. 9. COURT IMPROVEMENT.

Section 438(a)(1) of the Social Security Act (42 U.S.C. 629h(a)(1)) is amended—

(1) by striking “and” at the end of subparagraph (C); and

(2) by adding at the end the following:

“(E) that determine the best strategy to use to expedite the interstate placement of children, including—

“(i) requiring courts in different States to cooperate in the sharing of information;

“(ii) authorizing courts to obtain information and testimony from agencies and parties in other States without requiring interstate travel by the agencies and parties; and

“(iii) permitting the participation of parents, children, other necessary parties, and attorneys in cases involving interstate placement without requiring their interstate travel; and”.

SEC. 10. REASONABLE EFFORTS.

(a) IN GENERAL.—Section 471(a)(15)(C) of the Social Security Act (42 U.S.C. 671(a)(15)(C)) is amended by inserting “(including, if appropriate, through an interstate placement)” after “accordance with the permanency plan”.

(b) PERMANENCY HEARING.—Section 471(a)(15)(E)(i) of such Act (42 U.S.C. 671(a)(15)(E)(i)) is amended by inserting “, which considers in-State and out-of-State permanent placement options for the child,” before “shall”.

(c) CONCURRENT PLANNING.—Section 471(a)(15)(F) of such Act (42 U.S.C. 671(a)(15)(F)) is amended by inserting “, including identifying appropriate in-State and out-of-State placements” before “may”.

SEC. 11. CASE PLANS.

Section 475(1)(E) of the Social Security Act (42 U.S.C. 675(1)(E)) is amended by inserting “to facilitate orderly and timely in-State and interstate placements” before the period.

SEC. 12. CASE REVIEW SYSTEM.

Section 475(5)(C) of the Social Security Act (42 U.S.C. 675(5)(C)) is amended—

(1) by inserting “, in the case of a child who will not be returned to the parent, the hearing shall consider in-State and out-of-State placement options,” after “living arrangement”; and

(2) by inserting “the hearing shall determine” before “whether the”.

SEC. 13. USE OF INTERJURISDICTIONAL RESOURCES.

Section 422(b)(12) of the Social Security Act (42 U.S.C. 622(b)(12)) is amended—

(1) by striking “develop plans for the” and inserting “make”; and

(2) by inserting “(including through contracts for the purchase of services)” after “resources”; and

(3) by inserting “, and shall eliminate legal barriers,” before “to facilitate”.

SEC. 14. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this Act shall take effect on October 1, 2006, and shall apply to payments under parts B and E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under part B or E of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by a provision of this Act, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the first regular session of the State legislature that begins after the date of the enactment of this Act. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

The SPEAKER pro tempore (Mr. BOOZMAN). Pursuant to the rule, the gentleman from California (Mr. HERGER) and the gentleman from California (Mr. STARK) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HERGER).

GENERAL LEAVE

Mr. HERGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous materials on the subject of the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 5403, the Safe and Timely Interstate Placement of Foster Children Act of 2006. I am pleased to be an original cosponsor of this bipartisan legislation sponsored by the distinguished gentleman from Texas (Mr. DELAY).

Throughout his career, the gentleman from Texas has been an outstanding advocate for children and foster care. As chairman of the Human Resources Subcommittee, as a longtime colleague in this body, and as someone who shares his passion for helping children, I would like to personally commend him and thank him for his dedication to helping at-risk children across this country.

Mr. Speaker, the subcommittee I chair has conducted numerous hearings

examining the Nation's child protection system. Every witness at these hearings has agreed that our current system fails to adequately protect children.

In December, Republicans in this Congress took the lead in providing \$100 million in new funds over the next 5 years to better equip courts and ensure collaboration among judges and social workers. We also added an additional \$200 million over the next 5 years for improved services for families, including preventive services to protect children and keep them from having to enter foster care in the first place.

Importantly, we pay for this new funding by ensuring States comply with Federal law and do not misspend other Federal funds. I believe these new resources will go a long ways towards better protecting children.

While these are important steps, we also must do more to ensure children are not needlessly lingering in foster care. The legislation before us today would require States to expedite the safe placement of foster and adopted children in homes across State lines.

Currently these placements take an average of 1 year longer than placements within a single State, delaying permanency with loving families for thousands of children. This legislation also would establish deadlines for completing home studies that assess whether a home is appropriate for a child.

The legislation authorizes up to \$10 million per year for incentive payments to States that complete home studies in a timely manner. In addition, the bill includes provisions to better ensure safety for children in foster and adoptive homes, and to give foster parents and relative caregivers a right to be heard and notice of any court proceedings held concerning a child in their care.

I thank my colleagues across the aisle for their assistance in bringing this bill to the floor today. I urge all of my colleagues to support this legislation so we can ensure children are placed in a timely and safe way with loving families.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

(Mr. STARK asked and was given permission to revise and extend his remarks.)

Mr. STARK. Mr. Speaker, I rise in support of the Safe and Timely Interstate Placement of Foster Children Act of 2006, H.R. 5403, and ask my associates to vote for this legislation.

As the gentleman from California (Mr. HERGER) has so eloquently described, this will help foster children across the country. But I think an easier way to look at it is here in the District of Columbia area where we are a subway ride from three States. From Maryland to Virginia to D.C., we will find that a juvenile judge in one area may have a placement of a child with a relative or acceptable foster family in

another area as they move from Maryland to Virginia.

Now in California in the gentleman's district there, there may not be a lot of people wanting to go to Oregon or Nevada, it is a little longer trip. But in areas like the New Jersey-New York area, heavily populated areas are close by, and children could easily be placed in close proximity and have to cross State lines. This legislation will allow that to be done.

It takes care of a lot of technical details in terms of speeding up the process so that approval can be done across State lines, and it calls on States to update their requirements for approving the transfer of children across State lines and into foster care.

It probably will help older children, and by older I am saying 9 or older, who we have the most difficulty in placing in foster care. It is for that reason that this will help. Right now, a child 9 years or older has maybe a 20 percent chance or less of placement. We need to do better, and this bill will help.

We have 100,000 children ready for adoption, and this Congress should indeed do all that it can to expedite those procedures.

Mr. Speaker, I would like at this point first of all to commend the distinguished chairman of the Public Assistance Subcommittee of the Committee on Ways and Means, Mr. HERGER, for his Safe and Stable Families bill which we hope will be coming to the floor soon. It provides another \$40 million to train case workers to help in this area. Chairman HERGER has done yeoman's work on that bipartisan bill, and I know we are getting help from the junior Senator from the State of California who has offered to help expedite it on the Senate side, and with some luck, we will be able to pass that bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Speaker, replacing a void in a child's life or a parent's life and filling it with love and laughter is one of the most wonderful gifts in the world. As twice an adoptive mother, I know this joy firsthand. And also I believe it is our duty as legislators to work with adoption and foster care advocates to break down barriers, to bring more children and families together.

Today we have the opportunity to knock down a barrier to improve the lives of these kids right here in America. Right now, children are waiting as long as a year for paperwork to go through the system before they can be placed with a family. Imagine, Mr. Speaker, paperwork standing in the way of a permanent, loving home for a 100,000 lingering, at-risk kids. There is no excuse, and we can change it.

This legislation will expedite the safe placement of children into homes even

across State lines by instituting a 60-day deadline and giving financial incentives for States to process the paperwork quickly.

I commend the gentleman from Texas (Mr. DELAY) for his leadership on this most-important issue. He has been a devout advocate for foster kids and foster families as long as I have known him.

I also want to thank Chairman HERGER and Mr. STARK for their assistance on this bill. Thousands of kids are waiting to walk into the arms of a loving family and through the door of a permanent home. This legislation will move us closer to the day when every child feels the joy, love and security that a family can provide. I urge my colleagues to support this measure.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I cannot resist the opportunity to note that it is this issue of helping children that in my 34 years here has always brought us together as no other issue does. The gentlewoman from Ohio, with whom I have often disagreed on political issues, and I note the presence of the gentleman from Texas (Mr. DELAY) with whom I have disagreed on almost every issue except in the area of helping children. Now I suspect it is because the Republicans need more Republicans, and they are trying to get more children into politics, but other than that, Mr. Speaker, it is in the spirit of helping young people mature in this country.

I do not know if many of you know that the gentleman from Texas is responsible, and I say this having chaired the District Committee when there used to be one, but with the gentlewoman from the District of Columbia (Ms. NORTON), he was instrumental in creating a family court in the District of Columbia, which most other States or jurisdictions have. Now he has done some other things with legislation in Texas with which I have a little trouble. But other than that, he has created a court here that helps children.

I want to remark on one other thing in Mr. DELAY's career. I am aware that, in Texas, he has created a most unique and it sounds to me like an exciting community called the Rio Bend Community. For those who are unfamiliar with this, it creates a subdivision of let us say eight homes. I suspect they are ranch homes or standard homes, where eight families who have foster children and perhaps birth children can live in close proximity and share baby-sitting and teaching.

When I talk about sharing teaching, I am also aware that in this area of Rio Bend, Texas, the distinguished gentleman from Texas (Mr. DELAY) is known as Old Hypotenuse, and Old Hypotenuse has been tutoring the children in this community in geometry. He may not know that I got a 100 in geometry in high school, Mr. Speaker, and I might be able to come down and spell him for a while.

But I just want to commend the gentleman from California (Mr. HERGER)

and the gentlewoman from Ohio (Ms. PRYCE) and Mr. DELAY for the marvelous work they have done for children in this country. I hope we can continue in a bipartisan way to unify our efforts in the House to make every day for every child in this country more healthy with better education and a better opportunity to develop into citizens of which we can all be proud.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. Mr. Speaker, I rise today in support of H.R. 5403 sponsored by Mr. DELAY, and I would like to associate myself with Mr. STARK's remarks and that while we have not always agreed on every policy issue, there is no doubt that Mr. DELAY will be fondly remembered in this House for his tireless work on behalf of foster children and disadvantaged youth. I very much appreciate knowing him and the work we have done together. This is not our first effort to work together on a bill, and I appreciate Mr. DELAY and his work in this House.

As Members on opposing sides of the political spectrum, we are coming together today to do fabulous work. As an adoptive parent myself of foster children, I have seen firsthand the glaring problems of the system currently facing this Nation. At any time, there are roughly 500,000 children in foster care in the United States, moving from placement to placement, often living out of a suitcase or even worse, the symbol of foster children, which is a black garbage bag, hoping that one day a loving family will welcome them into their home.

H.R. 5403, Safe and Timely Interstate Placement of Foster Children Act, addresses one specific yet extremely important aspect of the system of adoption across State lines. Often an impediment to foster children's placement to permanent homes occurs when a child from one State is adopted by a family from another. The State where the family resides must complete a home study in order to verify that the placement is safe, secure and ready for the new child. Often, these types of home studies are a low priority for the State where the adoptive family resides and can lead to delays, often taking months and sometimes years to complete.

□ 1330

This legislation that we are considering today would establish a 60-day deadline for completing an interstate home study. If the State completes the home study within 30 days, H.R. 5403 would authorize a monetary incentive for the completed study to be used for the adoption-related expenses.

The children this bill seeks to help are already needy, neglected children without a voice who desperately want a permanent home, something that most all of us have always taken for granted. They want to go to school, the same

school with the same friends for more than a few months. They want someone to tuck them in at night and help them with their homework. They want to stop living out of a black garbage bag that doubles as a suitcase and have a real home with a bed they can call their own.

Over the years I have met numerous children from all over the country who are in various stages of foster care. I have heard great stories where children are reunited with their biological parents who are placed in loving, adoptive homes. But I have also heard of other stories that have just sickened me.

One boy I met at a school for foster children in my district told me the story of his life that seems quite fitting to this debate.

I met this young boy, and he had been placed in foster care at an early age and had been moved in and out of seven different foster homes up and down the State of California. As you can imagine, he grew jaded and resentful from the harsh life he was forced to live. He was also separated from brothers and sisters whom he loved very much. Finally, he was placed in a family that saw through his rough exterior and wanted to adopt him. This young boy was convinced that he had finally found a real home with devoted parents that he had always dreamed of.

However, soon after he was placed with his family, the father in this foster family was transferred to North Carolina and the family was forced to move. Unfortunately, they couldn't get the paperwork processed between California and North Carolina in order to facilitate the adoption. So this young boy was left behind in California and is now residing in a group home.

It is our job as Members of Congress to be a voice for these children and make sure their dreams are recognized. We owe it to them to streamline the adoption process and make Federal law work towards positive outcomes. If that means requiring a State to get their act in gear and complete timely home studies, then so be it.

Thank you, Mr. DELAY, for the legislation. Thank you, Mr. HERGER, for your work on this topic.

Mr. HERGER. Mr. Speaker, I hear these touching stories, and regrettably they are true, and the gentleman from California (Mr. CARDOZA) and some other stories we have heard, some 12 hearings of the tragedies that we see take place with these foster care children, not only being transferred seven times, as the gentleman from California mentioned, but maybe 50 or 60 in some cases.

Now it is my great pleasure to yield such time as he may consume to the author of this legislation, someone who we have been hearing a lot about, who has spent years, both he and his wife, working in this area, to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, this is the last piece of legislation that I will ever introduce in the United States House

of Representatives. I am incredibly honored to do this piece of legislation, particularly at this time. It shows that there is a strong feeling in this House, as exemplified by Mr. STARK; and thank you, sir, for your words and thank you for your work on this.

Mr. HERGER, Mr. Chairman, I greatly appreciate your work on not just this piece of legislation, but for foster kids and abused and neglected children around the United States.

Mr. CARDOZA, thank you for those words; and your words show your deep feelings and understanding for the plight of foster children in this country and how we are trying to make their life just a little bit better. I appreciate Mr. MCDERMOTT's support for this legislation, too, and everybody's work on it.

I particularly appreciate Dr. Cassie Bevan, who has been on my staff for a long time, who has been the leading force in a lot of the work that we have been able to do, the good work that we have been able to do in this House of Representatives.

I pay particular tribute to my wife, who has a deep, deep abiding love for these children and what their future holds.

This bill, the Safe and Timely Interstate Placement of Foster Children Act, will bring urgently needed reform to America's broken system, a broken system of placing abused and neglected children in permanent homes across State lines.

The current system is an insult to any notion of compassion or justice that animates our national commitment to child welfare. Children are moved from home to home to home. They are looking for strong and safe and permanent homes.

We have one child in Rio Bend, that was mentioned by Mr. STARK, that is 17 years old, got into the system at age 6 or 7, in 10 years has been moved over 150 times, 150 times. Thousands of children are being shuttled in and out of our broken, debasing foster care system. They have foster or adoptive families out of State that are more than willing to provide them a permanent, safe and loving home.

Yet this system, as inefficient and backward as any government program, typically holds abused and neglected children in the perdition of government foster care for a full year longer than a child placed in-State, an extra year.

Do you realize what a year means to a child? It is forever. Just because a second government bureaucracy that operates without deadlines or incentives has its chance to let a child down. This is a year lost, Mr. Speaker, a year in the life of an innocent child, a year lost to abuse and neglect and violence and uncertainty and fear.

There is no justification or excuse for such monstrous inequality. The child welfare system exists for these children and must be organized around their needs, not the other way around.

So under this bill, once a child is deemed in need of an out-of-state

placement, the State has 60 days to find a child a foster or adoptive home and 14 days to approve that home. It also creates a financial incentive of \$1,500 for States that complete their home studies in 30 days or less.

Our society has a moral obligation to provide for children who are abused and neglected by their parents or others; and, despite the best intentions, our society is too often failing to do so. This bill will not instantly make life good for abused and neglected children in our society, but it can help make it better.

That, Mr. Speaker, is worth the vote of every Member of this body. So I urge my colleagues to support this legislation and just take one small step toward alleviating the burden of our abused and neglected sons and daughters.

Mr. STARK. Mr. Speaker, I reserve the balance of my time.

Mr. HERGER. I yield 3 minutes to our distinguished majority whip, the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentleman for recognizing me. I am pleased to stand in support of this legislation and also legislation that in such a significant way recognizes the great work that Mr. DELAY has done on behalf of foster children and on behalf of adoption.

Everyone in this body understands the long-term commitment that the gentleman from Texas has had on this issue. I expect that few outside of this body appreciate the great work that he has done, the tremendous commitment that Mrs. DeLay has made to foster children and to adoptive children in this case.

Here is a bill that once again looks at how much a year means in the life of a child that is going into a foster home, can't get placed in a foster home, can't get ready to be adopted. A year in life, if you are 3 or 5 or 15, is a long, long part of the life that you have lived.

The average now for children who are going into foster adoptive families across State lines is an extra year. This legislation tries to eliminate that year. This legislation tries to make it more possible for children to be placed with families as soon as possible, rather than longer than absolutely necessary.

This legislation is on the floor today, as many before it have been, because of Mr. DELAY's commitment and his family's commitment to the lives of children. The lives of children are dramatically changed when someone gets an opportunity to care about them.

Fortunately for the laws of the country, TOM DELAY has always cared about children. For the individual children that will be impacted by this bill, their opportunity comes quicker. The love and attention comes quicker.

I appreciate the comments that Mr. STARK has made. I appreciate the work that Mr. DELAY has done. I am sure our colleagues today will be eager to see us advance this important change in the law.

Mr. STARK. Mr. Speaker, will the distinguished majority whip yield?

Mr. BLUNT. I yield to the gentleman from California.

Mr. STARK. Mr. Speaker, I do not think it should go unnoticed that the distinguished majority whip has become a recent adoptive father of, I believe, now a 7-month-old boy.

Mr. BLUNT. An 18-month-old.

Mr. STARK. We seriously hope that he will grow up to be a Democrat.

But, aside from that, I want to extend best wishes. He is a man who practices what he preaches and is doing his share to extend this concern for adoptive children in this country.

Mr. BLUNT. I thank my friend. Little Charlie Blunt will appreciate your comments as well. Thank you.

Mr. HERGER. Mr. Speaker, I yield 2 minutes to a member of the Subcommittee on Human Resources, the distinguished gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I thank the chairman for sponsoring the legislation, along with our colleagues on the committee, but especially Mr. DELAY and Mr. STARK for being the prime sponsors of legislation.

A lot of us have a lot of life experience that we bring to Congress. I know sometimes the general public doesn't believe that we do. Many of us are lawyers, and sometimes that is looked upon disparagingly by the general public.

But in my practice I dealt with the foster system, and I wasn't very pleased. Unfortunately, it didn't often work out as well as it should have for the children.

When I was a State senator, we had a debate about our foster system and our adoption laws and how we were treating children as chattel, the legal term for a possession. This bill helps move us away from that attitude. It helps us move toward treating children as the human beings that they are and the valued human beings who need love and nurturing that they are.

I rise in support of this bill, the Safe and Timely Interstate Placement of Foster Children Act. It will expedite the safe placement of foster adoptive children in foster homes across State lines. Currently, these types of placements take an additional year on top of all the years that the poor child has already spent in foster care.

The results of delaying safe placement have terrible implications for children. These delays are unreasonably long. They should not exist, and psychologists have stressed the importance of placing children in safe and loving environments in a timely manner.

The sooner a child is part of a safe and secure family, the sooner that child will thrive. Whether it be with a family member or another loving family, the best interests of that child dictate permanency.

Among other things, this bill will require courts to notify any foster par-

ents, pre-adoptive parents, relatives, caregivers of the child of any court proceeding to be held concerning the child and strengthen the right of these individuals to be at permanency hearings and perhaps to be the permanent home for that child.

All of these important changes to current law ensure that some of the most vulnerable children, not only those who have been neglected or abused but who are also on top of it, have been in foster care with a lack of security, that they get that security, that they get that security sooner, and that a safe and secure, loving home will be theirs.

□ 1345

Mr. STARK. Mr. Speaker, I yield such time as he may consume to the distinguished ranking member of our subcommittee, the gentleman from Washington (Mr. McDERMOTT).

(Mr. McDERMOTT asked and was given permission to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, we can improve the lives of abused and neglected children in this Nation. One of the powers that we have, the Federal Child Welfare Program, is a lifeline we don't use enough, in my view.

We know as legislators that the system needs reform. We saw it around Katrina very much as youngsters were spread across the country and fell between the cracks in a whole variety of situations.

We know as parents that the vulnerable want and need only what our own children want and need, to be loved, cherished and protected. Today we have an opportunity to extend our hand as caring adults and take hold of vulnerable children, and we should take it.

H.R. 5403, proposed by Mr. DELAY of Texas, takes a step in the right direction. It has been here before, I have supported it before, and I am proud to do that again today.

As the ranking member of the Human Resources Subcommittee, I believe children come first, and there is no such thing as a political divide if we can better protect and nurture vulnerable children in America.

I stand here to support my Republican colleague, Mr. DELAY, and urge the House to unanimously pass this legislation.

Specifically, this bill strives to safely speed the placement of children in foster care or adoptive homes across State lines when this is considered an appropriate thing to do. This is very important, because today there are a number of barriers that prevent the timely placement of children in homes across State lines.

We are a very mobile population, and laws that used to seem to make sense really do not today, and that is why we need this bill. They include an overly long time to conduct home studies to ensure the safety of children, obtaining criminal background checks on prospective foster care and adoptive parents, inadequate State resources and

often a low priority assigned to interstate placement of foster and adoptive children. It is the latter that is really the problem.

This bill creates meaningful incentives for States to address these barriers, and I urge my colleagues to support this initiative. It is meaningful legislation. This is not symbolic. It has some real power to change things. But it is more than that. By passing this bill, we recognize the heroic efforts of countless Americans across this country, foster parents and the caseworkers who deal with them and the many others who strive to help kids who are in need.

By passing this legislation, we also rightly honor the leadership in fighting for vulnerable children by Mr. TOM DELAY. He has made a difference, and it is no surprise that he keeps fighting to protect and defend children. All too often, we are the light of hope for abused and neglected children. Today, let us curse the darkness by passing this bill.

Mr. HERGER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. BRADY), a member of the Ways and Means Committee.

Mr. BRADY of Texas. Mr. Speaker, this act ought to probably be entitled the Get Foster Children Out of the System Into a Safe Home As Soon As Possible Act, as it has real consequences for our foster children.

There have been so often foster children, even in the best system, that are lost in that system. These delays can be as, TOM DELAY has told you, just so harmful for them. Moving them forward is the right thing to do, and it is a possible thing to do.

Each week on TV, we watch on "Home Makeover" a set of people come together and build a complete home for a family in one week. Why can't we find a good, safe loving home for children in 2 months? It is important we do this.

Our family has been through two home studies in our adoption, and I know what a difference how soon and how accurate and how important these home studies can be done. We ought not let a State line get in the way of helping these children.

I can tell you that TOM DELAY has been such an advocate and champion for children. When you see the work of Rio Bend, what he and his wife are doing, it is just remarkable. I strongly support this bill.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have no more speakers. I would just like to reiterate my thanks to all the people. I would like to mention Sean McCluskie, who has been my staff member on the Subcommittee for Human Resources for over 7 years and, unfortunately, is leaving us for greener pastures.

I want to thank all of the staff on both sides of the aisle who worked so hard on these bills that come before

our subcommittee which get little attention outside of the professionals in the social work field.

Again, I thank our Chair and thank Mr. DELAY and the people who have worked so well together to make this important step to improve the lives of foster and perhaps adoptive children.

Mr. Speaker, I yield back the balance of my time.

Mr. HERGER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the legislation we are considering today is an important step that will ensure timely and safe homes for children. This bill would help speed up the interstate adoption process so that children could be placed in permanent, loving homes more quickly.

I thank my colleagues across the aisle, the gentleman from California (Mr. STARK) and others, for their work on this bipartisan legislation, and I again wish to thank the distinguished gentleman from Texas, Mr. DELAY, for his tireless work to improve the lives of abused and neglected children.

I urge all of my colleagues to join me in support of this legislation.

Mr. THOMAS. Mr. Speaker, I rise in support of H.R. 5403, the Safe and Timely Interstate Placement of Foster Children Act of 2006. I am pleased to be a cosponsor of this bipartisan legislation, which is sponsored by Mr. DELAY.

There are approximately 518,000 children currently in foster care. The legislation before us today is an important first step in our efforts to improve the structure that exists to find a family for these children in order to prevent them from needlessly lingering in foster care.

Specifically, H.R. 5403 would encourage states to expedite the safe placement of foster and adoptive children into homes across state lines. The data suggest that it takes 2 years on average for foster or adoptive children to be placed in homes across state lines. That is longer than the average time frame for placing children in homes within the same states. Under this legislation, states would be required to establish procedures to ensure interstate placements occur within 60 days.

The legislation also would authorize incentive payments to states that place children in safe homes within 30 days. Since we first began providing incentive payments to promote adoption in 1997, the number of adoptions of children from foster care has almost doubled. We expect this new incentive program will help expedite the safe placement of children lingering in foster care, especially when relatives or others have expressed an interest in providing a loving home.

Almost 20,000 children age out of foster care every year at age 18 without the benefit of a family to call their own. This legislation will improve that situation and ensure that more children are raised in loving families instead of waiting needlessly in temporary homes. Accordingly, I ask my colleagues to support this important legislation.

Mr. CAMP of Michigan. Mr. Speaker, I wish to express my strong support for legislation the House is considering today, H.R. 5403, the Safe and Timely Interstate Placement of Foster Children Act, introduced by Rep. TOM DELAY (R-TX).

First, I would like to commend Mr. DELAY for his work on behalf of foster children, and in

the development of this bill. As the sponsor of the Adoption and Safe Families Act, I have had the privilege of working with Mr. DELAY to improve the lives of children in foster care, and promote the adoption of children into safe and loving families.

As a cosponsor of H.R. 5403, the bill before us today further expedites the safe placement of foster care children. Under current rules, children wait a year or more for states to approve placements across state lines. Children deserve better treatment, and I am glad that H.R. 5403 places a 60 day deadline on the approval of placements across state lines. Importantly, the bill also seeks to keep families together by providing incentive payments for the placement of children with extended family members.

Again, I want to applaud Mr. DELAY for his tireless advocacy on behalf of foster children, and for his work on H.R. 5403. I am confident this legislation will improve the lives foster children everywhere.

Mr. HERGER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the bill, H.R. 5403.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on House Resolution 832, by the yeas and nays;

Adopting House Resolution 832, if ordered.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

PROVIDING FOR CONSIDERATION OF H.R. 5427, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 832 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 224, nays 190, not voting 18, as follows:

[Roll No. 194]

YEAS—224

Aderholt	Gillmor	Nussle
Akin	Gingrey	Osborne
Alexander	Gohmert	Otter
Bachus	Goode	Paul
Baker	Goodlatte	Pearce
Barrett (SC)	Granger	Pence
Bartlett (MD)	Graves	Peterson (PA)
Barton (TX)	Green (WI)	Petri
Bass	Gutknecht	Pickering
Beauprez	Hall	Pitts
Biggart	Harris	Platts
Bilirakis	Hart	Poe
Bishop (UT)	Hastings (WA)	Pombo
Blackburn	Hayes	Porter
Blunt	Hayworth	Price (GA)
Boehlert	Hefley	Pryce (OH)
Boehner	Hensarling	Radanovich
Bonilla	Herger	Ramstad
Bonner	Hobson	Regula
Bono	Hoekstra	Rehberg
Boozman	Hostettler	Reichert
Boustany	Hulshof	Renzi
Bradley (NH)	Hunter	Reynolds
Brady (TX)	Hyde	Rogers (AL)
Brown (SC)	Inglis (SC)	Rogers (KY)
Brown-Waite,	Issa	Rogers (MI)
Ginny	Istook	Rohrabacher
Burgess	Jenkins	Ros-Lehtinen
Burton (IN)	Jindal	Royce
Buyer	Johnson (CT)	Ryan (WI)
Calvert	Johnson (IL)	Ryun (KS)
Camp (MI)	Johnson, Sam	Saxton
Campbell (CA)	Jones (NC)	Schmidt
Cannon	Keller	Schwarz (MI)
Cantor	Kelly	Sensenbrenner
Capito	King (IA)	Sessions
Carter	King (NY)	Shadegg
Castle	Kingston	Shaw
Chabot	Kirk	Shays
Chocola	Kline	Sherwood
Coble	Knollenberg	Shimkus
Cole (OK)	Kolbe	Shuster
Conaway	Kuhl (NY)	Simmons
Crenshaw	LaHood	Simpson
Cubin	Latham	Smith (NJ)
Culberson	LaTourette	Smith (TX)
Davis (KY)	Leach	Sodrel
Davis, Jo Ann	Lewis (CA)	Souder
Davis, Tom	Lewis (KY)	Stearns
Deal (GA)	LoBiondo	Sullivan
DeLay	Lucas	Sweeney
Dent	Lungren, Daniel	Tancredo
Doolittle	E.	Taylor (NC)
Drake	Mack	Terry
Dreier	Manzullo	Thomas
Duncan	Marchant	Thornberry
Ehlers	McCaul (TX)	Tiahrt
Emerson	McCotter	Tiberi
English (PA)	McCrery	Turner
Everett	McHenry	Upton
Feeney	McHugh	Walden (OR)
Ferguson	McKeon	Walsh
Fitzpatrick (PA)	McMorris	Wamp
Flake	Mica	Weldon (FL)
Foley	Miller (FL)	Weldon (PA)
Forbes	Miller (MI)	Weller
Fortenberry	Miller, Gary	Westmoreland
Fossella	Moran (KS)	Whitfield
Fox	Murphy	Wicker
Franks (AZ)	Musgrave	Wilson (NM)
Frelinghuysen	Myrick	Wilson (SC)
Gallegly	Neugebauer	Wolf
Garrett (NJ)	Ney	Young (AK)
Gerlach	Northup	Young (FL)
Gibbons	Norwood	
Gilchrest	Nunes	

NAYS—190

Abercrombie	Boyd	Costello
Allen	Brady (PA)	Cramer
Andrews	Brown (OH)	Crowley
Baca	Brown, Corrine	Cuellar
Baird	Butterfield	Cummings
Baldwin	Capps	Davis (AL)
Barrow	Capuano	Davis (CA)
Bean	Cardoza	Davis (IL)
Becerra	Carnahan	Davis (TN)
Berkley	Carson	DeFazio
Berman	Case	DeGette
Berry	Chandler	Delahunt
Bishop (GA)	Clay	DeLauro
Bishop (NY)	Cleaver	Dicks
Blumenauer	Clyburn	Dingell
Boren	Conyers	Doggett
Boswell	Cooper	Doyle
Boucher	Costa	Edwards

Emanuel	Lofgren, Zoe	Rothman
Engel	Lowey	Roybal-Allard
Eshoo	Lynch	Ruppersberger
Etheridge	Maloney	Rush
Farr	Markey	Ryan (OH)
Fattah	Marshall	Sabo
Filner	Matheson	Salazar
Ford	Matsui	Sánchez, Linda
Frank (MA)	McCarthy	T.
Gonzalez	McCollum (MN)	Sanchez, Loretta
Gordon	McDermott	Sanders
Green, Al	McGovern	Schakowsky
Green, Gene	McIntyre	Schiff
Grijalva	McNulty	Schwartz (PA)
Gutierrez	Meehan	Scott (GA)
Harman	Meek (FL)	Scott (VA)
Herse	Meeks (NY)	Serrano
Higgins	Melancon	Smith (WA)
Hinche	Michaud	Smith (WA)
Hinojosa	Millender-	Smith (WA)
Holden	McDonald	Solis
Holt	Miller (NC)	Spratt
Honda	Miller, George	Stark
Hooley	Mollohan	Strickland
Hoyer	Moore (KS)	Stupak
Insee	Moore (WI)	Tanner
Israel	Moran (VA)	Tauscher
Jackson (IL)	Murtha	Taylor (MS)
Jackson-Lee	Napolitano	Thompson (CA)
(TX)	Neal (MA)	Thompson (MS)
Jefferson	Oberstar	Tierney
Johnson, E. B.	Obey	Towns
Jones (OH)	Oliver	Udall (CO)
Kanjorski	Ortiz	Udall (NM)
Kaptur	Owens	Van Hollen
Kildee	Pallone	Velázquez
Kilpatrick (MI)	Pascarell	Visclosky
Kind	Pastor	Wasserman
Kucinich	Payne	Schultz
Langevin	Pelosi	Waters
Lantos	Peterson (MN)	Watson
Larsen (WA)	Pomeroy	Watt
Larson (CT)	Price (NC)	Weiner
Lee	Rahall	Wexler
Levin	Rangel	Woolsey
Lewis (GA)	Reyes	Wu
Lipinski	Ross	Wynn

NOT VOTING—18

Ackerman	Hastings (FL)	Oxley
Cardin	Kennedy (MN)	Putnam
Davis (FL)	Kennedy (RI)	Sherman
Diaz-Balart, L.	Linder	Skelton
Diaz-Balart, M.	McKinney	Snyder
Evans	Nadler	Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1415

Messrs. FARR, GEORGE MILLER of California, and DAVIS of Tennessee changed their vote from “yea” to “nay.”

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated for:

Mr. PUTNAM. Mr. Speaker, on rollcall No. 194 I was unavoidably detained. Had I been present, I would have voted “aye.”

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Washington. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 254, noes 165, not voting 13, as follows:

[Roll No. 195]

AYES—254

Aderholt	Alexander	Baker
Akin	Bachus	Barrett (SC)

Bartlett (MD)	Graves	Osborne
Barton (TX)	Green (WI)	Otter
Bass	Gutknecht	Oxley
Beauprez	Hall	Pascarell
Berman	Harris	Pastor
Biggart	Hart	Paul
Bilirakis	Hastings (WA)	Pearce
Bishop (UT)	Hayes	Pence
Blackburn	Hayworth	Peterson (MN)
Blunt	Hefley	Peterson (PA)
Boehlert	Hensarling	Petri
Boehner	Herger	Pickering
Bonilla	Herseth	Pitts
Bonner	Hobson	Platts
Bono	Hoekstra	Poe
Boozman	Hostettler	Pombo
Boswell	Hulshof	Price (GA)
Boucher	Hulshof	Pryce (OH)
Boustany	Hunter	Putnam
Boyd	Hyde	Radanovich
Bradley (NH)	Inglis (SC)	Ramstad
Brady (TX)	Issa	Regula
Brown (SC)	Istook	Rehberg
Brown-Waite,	Jenkins	Reichert
Ginny	Jindal	Renzi
Burgess	Johnson (CT)	Reyes
Burton (IN)	Johnson (IL)	Reynolds
Buyer	Johnson, Sam	Rogers (AL)
Calvert	Jones (NC)	Rogers (KY)
Camp (MI)	Kaptur	Rogers (MI)
Campbell (CA)	Keller	Rohrabacher
Cannon	Kelly	Ros-Lehtinen
Cantor	King (IA)	Royce
Capito	King (NY)	Ruppersberger
Carnahan	Kingston	Saxton
Carter	Kirk	Schmidt
Castle	Kline	Schwarz (MI)
Chabot	Knollenberg	Sensenbrenner
Chocola	Kolbe	Sessions
Coble	Kuhl (NY)	Shadegg
Cole (OK)	LaHood	Shaw
Conaway	Larsen (WA)	Shays
Crenshaw	Larson (CT)	Sherwood
Cubin	Latham	Shimkus
Culberson	LaTourette	Shuster
Davis (CA)	Leach	Simmons
Davis (FL)	Lewis (CA)	Simpson
Davis (KY)	Lewis (KY)	Smith (NJ)
Davis, Jo Ann	Lucas	Smith (TX)
Davis, Tom	Lungren, Daniel	Sodrel
Deal (GA)	E.	Solis
DeLay	Mack	Marchant
Dent	Maloney	McCaul (TX)
Doolittle	Manzullo	McCotter
Drake	Marchant	McCrery
Dreier	McCauley	McHenry
Duncan	McCrery	McHugh
Ehlers	McHenry	McKeon
Emerson	McHugh	McKinney
English (PA)	McKeon	McMorris
Everett	McKinney	Meek (FL)
Feeney	McMorris	Meeks (NY)
Ferguson	Meek (FL)	Mica
Fitzpatrick (PA)	Meeks (NY)	Miller (FL)
Flake	Mica	Miller (MI)
Foley	Miller (FL)	Miller, Gary
Fortenberry	Miller (MI)	Mollohan
Fossella	Miller, Gary	Moore (KS)
Fox	Mollohan	Moran (KS)
Franks (AZ)	Moore (KS)	Moran (VA)
Frelinghuysen	Moran (KS)	Murphy
Gallegly	Moran (VA)	Murtha
Garrett (NJ)	Murphy	Musgrave
Gerlach	Garrett (NJ)	Myrick
Gilchrest	Gerlach	Neugebauer
Gillmor	Gilchrest	Ney
Gingrey	Gillmor	Northup
Gohmert	Gingrey	Norwood
Goode	Gohmert	Nunes
Goodlatte	Goode	Nussle
Gordon	Goodlatte	Ortiz
Granger	Gordon	

NOES—165

Abercrombie	Bishop (NY)	Clyburn
Ackerman	Blumenauer	Conyers
Allen	Boren	Cooper
Andrews	Brady (PA)	Costa
Baca	Brown, Corrine	Costello
Baird	Butterfield	Cuellar
Baldwin	Capps	Cummings
Barrow	Capuano	Davis (AL)
Bean	Cardoza	Davis (IL)
Becerra	Carson	Davis (TN)
Berkley	Chandler	DeFazio
Berry	Clay	DeGette
Bishop (GA)	Cleaver	Delahunt

DeLauro	Lantos	Rush
Dicks	Lee	Ryan (OH)
Dingell	Levin	Sabo
Doggett	Lewis (GA)	Salazar
Doyle	Lipinski	Sánchez, Linda
Edwards	Lofgren, Zoe	T.
Emanuel	Lowe	Sanchez, Loretta
Engel	Lynch	Sanders
Eshoo	Markley	Schakowsky
Etheridge	Marshall	Schiff
Farr	Matheson	Schwartz (PA)
Fattah	Matsui	Scott (GA)
Filner	McCarthy	Scott (VA)
Ford	McCollum (MN)	Serrano
Frank (MA)	McDermott	Sherman
Gibbons	McGovern	Slaughter
Gonzalez	McIntyre	Smith (WA)
Green, Al	McNulty	Spratt
Green, Gene	Meehan	Stark
Grijalva	Melancon	Strickland
Gutierrez	Michaud	Stupak
Harman	Millender-	Tanner
Higgins	McDonald	Tauscher
Hinche	Miller (NC)	Taylor (MS)
Hinojosa	Miller, George	Taylor (CA)
Holden	Moore (WI)	Thompson (CA)
Holt	Nadler	Thompson (MS)
Honda	Napolitano	Tierney
Hooley	Neal (MA)	Towns
Hoyer	Oberstar	Udall (CO)
Inslee	Obey	Udall (NM)
Israel	Oliver	Velázquez
Jackson (IL)	Owens	Visclosky
Jackson-Lee	Pallone	Wasserman
(TX)	Payne	Schultz
Jefferson	Pelosi	Waters
Johnson, E. B.	Pomeroy	Watson
Jones (OH)	Porter	Watt
Kanjorski	Price (NC)	Waxman
Kildee	Rahall	Weiner
Kilpatrick (MI)	Rangel	Wexler
Kind	Ross	Woolsey
Kucinich	Rothman	Wynn
Langevin	Roybal-Allard	

NOT VOTING—13

Brown (OH)	Evans	Linder
Cardin	Forbes	Skelton
Case	Hastings (FL)	Snyder
Diaz-Balart, L.	Kennedy (MN)	
Diaz-Balart, M.	Kennedy (RI)	

□ 1424

Mr. RUPPERSBERGER changed his vote from “no” to “aye.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CARDIN. Mr. Speaker, earlier today, I was unavoidably detained and missed two rollcall votes.

Had I been present, I would have voted “nay” on rollcall vote No. 194 and “nay” on rollcall vote No. 195.

LEGISLATIVE UPDATE

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, I appreciate my colleagues' indulgence. It has become clear that we will probably, in all likelihood, finish our business by Thursday night. I wanted to give Members a heads-up that we do not expect to be in on Friday. I can't give you a firm time for what time we will be out tomorrow evening, but it is not expected that we will be in on Friday.

GENERAL LEAVE

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5427, and that I may include tabular material on the same.

The SPEAKER pro tempore (Mr. PEARCE). Is there objection to the request of the gentleman from Ohio?

There was no objection.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 832 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5427.

□ 1426

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5427), making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes, with Mr. GUTKNECHT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Ohio (Mr. HOBSON) and the gentleman from Indiana (Mr. VISCLOSKEY) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is my privilege to submit to the House for its consideration H.R. 5427, the Energy and Water Development Appropriations Bill for fiscal year 2007. The Appropriations Committee approved this bill unanimously on May 16, and I believe this is a good bill that merits the support of the entire House.

Mr. Chairman, this bill provides annual funding for a wide range of Federal programs, including such diverse matters as flood control, navigation improvements, environmental restoration, nuclear waste disposal, advanced scientific research, applied energy research, maintenance of our nuclear stockpile, and nuclear nonproliferation activities.

The total funding for energy and water development for the fiscal year 2007 is \$30.017 billion. This funding amount represents an increase of \$546 million above the budget request and \$172 million below the current fiscal year. I want to point out to everyone that our subcommittee's 302 allocation is right at the level and provides adequate funding to meet the priority needs of the House.

Title I is the Army Corps of Engineers. This provides the funding for the Civil Works Program of the Army Corps and the formerly utilized Sites

Remedial Action Program which is executed by the corps and the Office of the Assistant Secretary of the Army for Civil Works.

□ 1430

The committee recommends a total of \$4.983 billion for the title I activities, an increase of \$251 million above the budget request and \$345 million below the enacted level for the current year, separate from emergency supplemental appropriations.

In recent years, Mr. Chairman, in my opinion and I think our committee's, the corps' civil works program had lost its way. Instead of taking care of the Nation's most pressing water resources needs, the corps tried to keep everybody happy by spreading its limited resources across an ever-enlarging set of projects; and, frankly, Congress has been a big part of that problem, giving the corps more and more projects to do but, frankly, not enough money to do them.

Our committee has taken steps in the last several years to put the corps on the road to fiscal recovery and to restore the focus on getting the most critical projects done efficiently. As before, we do not fund any new starts and do not carry any new project authorizations. I might say we not only cut out the Members' new starts in the corps, we cut out the President of the United States' new starts. We treat everybody the same. Instead, we concentrate our limited resources on the completion of ongoing projects. This will save money.

I support the administration's attempt to apply performance-based criteria so that resources are applied to the highest-priority items. This is still a work in progress, and we know that the ratio of remaining costs and remaining benefits should not be the sole major of a project's merits, but I give OMB, and this is hard for me to do, credit for listening for a change to our concerns and, frankly, moving in what we all believe is the right direction.

One obvious consequence of folks seeing limited funding on the most important projects is that fewer House Members will receive funding for corps water projects in their districts. We added \$251 million to address Member needs for additional water projects. As in prior years, we favored projects that could complete a useful increment of work in fiscal year 2007.

We also continue the initiatives we started last year to improve fiscal management in the corps. These initiatives have administration support. We maintain the reprogramming guidelines that we put in place last year, and we establish a fund to begin paying back some reprogramming comments that were made in previous years.

We included language last year significantly limiting the corps' ability to misuse continuing contracts and to continue those limitations in fiscal year 2007. I have directed the corps to hire a commercial audit firm to provide Congress with a full accounting of these contracts.

The current year is a transition from the old way of doing business to a new one in which the corps is more accountable for how it uses the funds that Congress appropriates for water projects. Frankly, in my opinion, these changes were long overdue; and we are confident they will put the corps on a more secure footing in the future.

I would also like to talk about title II, which is the Bureau of Reclamation. Title II of our bill provides \$941 million for the Department of the Interior, including \$40 million for the Central Utah Project and \$901 million for the Bureau of Reclamation. This represents an increase of \$17 million above the budget request and \$114 million less than the amount appropriated for the current fiscal year.

We included an additional \$6 million for the bureau to assist existing and future flood risks in the California Bay delta area and included the administration proposal to rescind \$88 million of balances for at-risk desert terminal lakes.

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, first, I would like to let my colleagues know what a privilege it is to work with Mr. HOBSON on the critical issues included in the Energy and Water Development Appropriations bill. Mr. HOBSON is a superb chairman, and I deeply appreciate his vision and even-handed approach to the work of our subcommittee. I also deeply appreciate the splendid work done by each member of the subcommittee. We have an exceptional membership.

I also would want to acknowledge the fine staff that supports both the majority and the minority: Kevin Cook, Taunja Berquam, Scott Burnison, Terry Tyborowski, Tracey LaTurner, Dixon Butler, Kenny Kraft, Tony Digiovanni, Debbie Willis and Peder Maarbjerg of my staff. These are all exceptional individuals, and I would point out to the general membership that we will lose Peder Maarbjerg who is my associate staff. He has done not only fine work for myself but for the last several years made an exceptional contribution to the committee and to this country with his very good work.

The bill itself does a good job of allocating scarce resources for sustaining the water infrastructure of our country, maintenance of our strategic deterrent, protecting our Nation from nuclear terrorism, continuing U.S. research leadership, particularly in the physical sciences, and developing energy technology to help us reverse a growing dependence on imported oil.

I will be joining my chairman in support of the bill.

Last year should have served as a major eye-opener as regards the protection of our communities and fellow citizens from the ravages of flooding. Hurricane Katrina may come to rank with the 1927 Mississippi flood as a

seminal event in the corps' long history. The corps' responsibilities are multiple, and we should remember that.

The U.S. Army Corps of Engineers is a tool in our hands, and we must make good use of it and keep it sharp. Last year, the Energy and Water Appropriations Act began a major program of reforming the financial practices of the corps. This year, we try to continue that process; and I hope that no one will hamper that effort by striking section 102 of the bill.

As usual, there are unintended consequences of such a major reform; and this has been a particular concern of those Members whose projects could not use appropriated funds in past years but are now ready to go and look for restoration of these funds. The bill makes a start at solving this problem by allocating \$55 million specifically to fund repayment of donor projects.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I yield such time as he might consume to the gentleman from California (Mr. LEWIS), the chairman of the full Appropriations Committee.

Mr. LEWIS of California. Mr. Chairman, I rise in support of H.R. 5427, the Energy and Water Development Appropriations bill for the year 2007. This is the fourth of 11 bills the committee plans to bring to the House floor before the July 4 break.

I want to especially extend praise to Chairman HOBSON and Ranking Member VISCLOSKY, as well as members of the Energy and Water Subcommittee and their staff for their very fine work in preparing this bill.

This measure provides \$30 billion in total discretionary spending. This represents a decrease, I repeat, a decrease of some \$172 million below the fiscal year 2006 enacted level.

The bill contains critical funding to support a vigorous civil works program through the U.S. Corps of Engineers, focusing limited resources on completing high-priority projects. This legislation also continues a number of significant reforms to improve project execution and financial management.

The bill also includes a number of important energy initiatives, including efforts to strengthen clean energy technologies, energy supply and conservation programs, and fossil energy research and development.

I would like to make two additional points regarding this bill. First, Member project funding in the bill before us today is some \$200 million, or 16 percent, below last year's level. This bill also terminates four programs, resulting in \$460.5 million in taxpayer savings.

Mr. Speaker, this energy and water bill is a fine product, worthy of all of our support. One more time, I would like to commend Mr. HOBSON and Mr. VISCLOSKY for their work together.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would now like to discuss title III of the bill, which is the Department of Energy.

The Department of Energy receives a total of \$24.37 billion in the Energy and Water Development bill, \$299 million over the budget request and \$326 million above the current new fiscal year.

The budget request proposes a number of major new initiatives for the Department of Energy in fiscal year 2007, the American Competitiveness Initiative, which strengthens basic research by increasing funds for DOE's Office of Science by \$505 million, for a total of \$4.6 billion. We fully fund the budget request for the Office of Science, and we provide an additional \$30 million of headroom to fund House earmarks in the science account. The Advanced Energy Initiative would increase funding for providing clean technologies.

We generally fund all of these accounts at or above the requested funding levels funding. Funding in our bill for research in biomass energy increases 65 percent over last year. Research and development on solar energy increases 78 percent over last year. Research on hydrogen technology increases 26 percent over last year.

We have also increased funding for vehicle technologies, building technologies and industrial technologies. As with the science earmarks, we also provide additional funding for the House earmarks so that these do not harm the underlying applied science research programs.

The Global Nuclear Energy Partnership, GNEP, is an initiative to recycle spent nuclear fuel with a first-year request of \$250 million; and while we believe very strongly that we need to recycle our spent fuel, we have serious policy, technical and financial reservations about the GNEP proposal. It appears that the administration funded the GNEP by cutting other essential energy programs such as university nuclear energy education. We restore these funds and limit GNEP funding to \$120 million in fiscal year 2007.

We terminated the State energy programs. This amounts to \$50 million spread among 50 States plus the territories. From our perspective, the States are fully capable of administering their own State energy programs. Where there is sufficient energy projects that exceed a State's capabilities, then those projects should be submitted to the committee as part of the DOE budget request. We do not support taking Federal funds from our bill and giving those States funds to spend.

I might add that the group that came in, that lobbies for this, is a group located in Washington created by the States, funded by our money, to lobby us. So what do we do? We send the money out to the States.

First of all, we collect it in taxes, we take a cut off of it here, then we send it back to the States, they take another cut, and they fund all these special people. The costs go as high as 52 percent, and then they do these little

grants. We think if they need them they ought to do them; and if they really need them that bad, we ought to fund them.

We fully fund the request for the Yucca Mountain repository of \$545 million and provide an additional \$30 million for interim storage contingent upon authorization. Unfortunately, Yucca Mountain is on a schedule that will not allow it to accept significant quantities of commercial spent fuel until the end of the decade at the earliest.

The GNEP initiative to recycle spent fuel is on a similar schedule. The Department estimates that the Federal Government incurs a liability, and I want people to listen to this, of \$500 million per year for each year that the repository is delayed. In addition, the Nuclear Regulatory Commission may not be able to issue a waste competence determination for any new reactors if the Federal Government does not provide some tangible solution to the problem of accumulating spent fuel. That is why we include \$30 million for the Department to explore its options for interim storage.

The Department says it needs additional statutory authorization for interim storage. If that authorization is not enacted by the end of the fiscal year 2007, then the remaining funds will revert to the effort to begin the process of selecting a site for a second nuclear waste repository.

We continue our efforts to reform the DOE nuclear weapons complex. The committee views the reform of the weapons complex as a package deal. We will move forward with a reliable replacement warhead but only if accompanied by actions to consolidate the footprint of production complex, consolidating special nuclear fuel materials and accelerating dismantlement.

I hope people will listen to this next paragraph, because this is probably one of the most outrageous expenditures we have done. It is one we have to get on with. We have to get it done, but the cost escalation of this project drives me out of my mind and I think most Members, if they would listen.

The largest environmental cleanup project in the country, the waste treatment plant in Hanford, is billions over budget and 6 years behind schedule. The cost growth of this project is an increase of \$6 billion in only 5 years; and, frankly, we still do not know what it will cost, nor can they tell us.

We direct the Department to make several major management changes to this project. The Department must complete 90 percent of design before construction of major facilities, and it must impose a tighter linkage between contract payments and contract performance.

□ 1445

Most importantly, our bill requires the Nuclear Regulatory Commission's oversight of nuclear safety at the waste treatment plant, and we direct

the Department to transfer \$10 million to the NRC for this purpose. Fiscal year 2007 funding for the waste treatment plant is \$600 million, a reduction of \$90 million from the request, but an increase of \$9 million over the current year.

I would point out that our recommended funding level of \$600 million is \$80 million higher than what the Government Accountability Office recommended as needed for fiscal year 2007. We do increase funding for other cleanup activities at Hanford, primarily to mitigate the risk of radioactive contamination from reaching the Columbia River.

Total funding for all DOE environmental cleanup activities, both defense related and nondefense, is \$644 million, an increase of \$161 million. The committee provides a total of \$1.59 billion for defense nuclear nonproliferation activities, a decrease of \$133 million from the budget request. This reduction to the bottom line total for nuclear nonproliferation is due to the elimination of funding for construction of the mixed oxide project and associated pit disassembly and conversion facility at the Savannah River Site.

In 2000, the United States and Russia each agreed to eliminate 34 metric tons of excess weapons grade plutonium. While MOX is a far more expensive option for plutonium disposal than immobilization, it was felt several years ago that it was worth doing to encourage the Russians to do their own MOX plant. Well, guess what folks? The Russians are not coming. Listen again: The Russians are not coming.

The Russian government signaled this spring that they no longer have any interest in proceeding with their own MOX project, so there is no longer any compelling nonproliferation reason to build the MOX plant. Earlier this week, I met the head of RosAtom, the Russian atomic energy agency. He confirmed that the Russians have no interest in spending any of their own money on MOX activities in Russia.

Now, they did tell us that they would build it if we would provide all the money, because, they said, if we have to put money into something, we don't want to do that because we think it is too expensive; we think there is better technology, and we need to move on. They view MOX as an expensive outdated technology for plutonium disposal.

In addition, the GAO tells us that the cost estimate on this facility has risen from \$1 billion in 2002 to over \$3.6 billion in 2006, and the project is already 8 years behind. Now, if you look at Hanford as any example, what do you think this thing is going to wind up at? And this is a deal that the Russians say they don't think the technology is any good. At the beginning, when we put it together, we didn't think it was that good, but we thought we could get them into the deal by doing this, so they said, let's go ahead with the deal.

To deal with the plutonium already stored at the Savannah River Site, we

should use the cheaper immobilization option. The only remaining rationale to continue the MOX plant is simply as a jobs program for certain States, and I don't think that is a compelling reason to spend several billion dollars of taxpayers' money. There is not 34 metric tons of weapons grade plutonium in South Carolina at this time, and the plutonium that is there wouldn't be able to be used in the MOX anyway, because it is of a different type than that which would be used for the MOX program.

The requested fiscal year 2007 construction funding for MOX is applied to other priority nonproliferation activities, and roughly two-thirds of it is kept at the Savannah River Site for plutonium immobilization activities and to meet environmental cleanup needs at that site.

Title IV, Independent Agencies: title IV of our bill provides \$228 million for several regional commissions and independent agencies. The committee recommendation provides the requested funding for the Defense Nuclear Facilities Board, the Delta Regional Authority, the Nuclear Regulatory Commission, the Inspector General and the Nuclear Waste Technical Board.

The committee reduces the funding, and if I had my way I would take it down to zero, and I tried to get those that are offering amendments to take this down to zero, but they didn't take me up on it, the Appalachian Regional Commission, which my State gets money for. But, again, it is like the State program: We send money here. We send money back there. And the Governors run around creating a bureaucracy and go do the little projects, and nobody really knows kind of what they do.

I have had letters from all kinds of people who say they don't support excess spending. They do not like earmarks, but everybody seems to like the little earmarks that the Governors do in these little programs back in their State. So I cut the money. The President's request was around \$60 million. And OMB always tells me they are so cost effective down there; I don't know why they don't look at this program. And I cut it back to \$35 million.

The first year, I cut it back to zero, and then we had to fund it when we got to conference. Unfortunately, that will probably happen again, but I don't like that. But if I had my way, I would cut out all these little commissions because I just think they take away from a lot of good work that the Congress does.

We have also put an additional \$40 million of budget authority to provide for the Nuclear Regulatory Commission to address anticipated license applications for new reactors, which I hope we can really move forward with.

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKEY. Mr. Chairman, I yield myself such time as I may consume, and I would like to follow up on the chairman's remarks.

Plutonium, highly enriched uranium and some highly radioactive products of nuclear fission in the hands of terrorists pose the greatest threat to the United States and its people. Accordingly, the recommendation before the committee increases funding for those elements of defense nuclear non-proliferation at DOE that truly address this issue. This bill correctly shifts money that should not be spent on MOX plants to other areas where the funds can be used now to enhance U.S. security.

The Russians will not proceed with their MOX plant unless it is fully funded by other countries in the G-8 at a cost of \$2.5 billion. Pledges to date have not passed \$800 million. The Russians have stressed to the chairman, as he has pointed out, and myself that they are still fully committed to destroying 34 metric tons of their surplus plutonium. To do so, they are interested in pursuing less expensive approaches in partnership with us and funding 50 percent of the cost themselves.

When it comes to energy policy, the committee's allocation forces our bill to be hundreds of millions of dollars below needed levels. While I applaud the significant increases for biofuels and solar, even in these areas, the budget forces choices between pursuing rapid commercialization of current technology and demonstrating new ones. With the support of Chairman HOBSON, conservation technology investments were increased in the full committee resulting in full funding for solid-state lighting, one of the most promising technologies for saving energy; and for the request of the Governor's Ethanol Coalition for development of E-85 infrastructure.

However, I remain concerned that the Clean Coal Power Initiative will have to wait one or more additional years before issuing its next solicitation for research proposals. The Department of Energy has argued that it is too late to include new technologies in the FutureGen demonstration plant, but given the abundance of domestic coal as an energy source, I believe we will be seeking new technologies to improve our use of coal for many years to come.

Our country needs a robust mix of energy sources so that we can adapt rapidly to changes in the world's markets. We as a Nation can innovate our way out of the current energy crisis, but I fear that we are letting a false sense of economy prevent this from happening at the pace required.

Last year, in an effort to move the country forward in developing nuclear power as a domestic source of energy that does not emit greenhouse gases, the Congress provided funds to pursue a competitive process for choosing sites for the integrated reprocessing of spent nuclear fuel, including interim storage. We as a subcommittee also worked to accelerate the opening of the Yucca Mountain permanent high-level

radioactive waste repository, but without success. The administration has responded with a Global Nuclear Energy Partnership, or GNEP, and I would like to emphasize the concerns about GNEP expressed in our committee's report.

I do not know whether GNEP will truly help the future of nuclear power. I do know that any benefits from GNEP for the American people are 15 years or more in the future, but the benefits to the DOE labs, whose directors came to Washington for a recent Senate event, might be very immediate.

I appreciate the chairman's supporting a restrained funding level for this program that will provide funds for work to refine the ideas included in the GNEP concept. I believe that the level in this bill is the correct level and will oppose any efforts to make further cuts in this area. Our subcommittee will work with the authorizing committees to ensure that the costs and plans for dealing with the waste that GNEP will generate are understood and are accounted for.

Members should note that the bill requires DOE to submit its GNEP plans to peer review by the National Academy of Science and the National Academy of Engineering.

One cannot discuss the issues of spent nuclear fuel and other nuclear waste without reiterating that Yucca Mountain is essential as a permanent high-level radioactive waste repository. We must continue to support its opening and not give up, even though its opening has been delayed until at least 2017. Through GNEP, we may redefine the waste stream in the future. The character of much of the waste may change, and change so as to lessen the long-term radioactive activity of the waste. But we have today waste of known character awaiting permanent disposal. Of course, I speak of the waste generated by the creation and maintenance of our nuclear deterrent, a deterrent from which we have all benefited.

Last year's cuts to the science account at DOE were estimated to reduce support for 2,200 researchers. This year's funding will increase support for 2,600 researchers. This type of oscillation, however, does not attract bright minds to the research areas DOE sponsors, and a new increase of only 400 researchers over 2 years is hardly a major step forward. But it is a step forward, and I would stress to my colleagues and to the administration that further major increases will be required to support the physical sciences at the level befitting our Nation and its desire for continued economic growth and world leadership.

The bill provides for more staff at the Nuclear Regulatory Commission to enable it to handle an anticipated increase in license applications for new nuclear plants. I also foresee additional regulatory responsibilities for the NRC.

For example, I see the need for NRC to become involved in issues of nuclear

safety at the Hanford Waste Treatment Plant. At many sites, the Department of Energy self-regulates on nuclear safety, and I consider this a foolish approach, even when the Department has the best of intentions. We do not let the private sector self-regulate in matters of nuclear safety, and we should end this practice at DOE as soon as is practical.

So I think you can see how many critical areas for our Nation are included within the scope of the energy and water bill. Again, despite the funding limitations imposed upon the subcommittee, I take comfort from the many excellent decisions embodied in it and from the good that will be accomplished by the people's money we provide for these many programs.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume to include some further observations on our bill.

I think the committee has produced a very responsible bill that makes sound investment decisions for the future of our agencies and, frankly, for the future of our country. I believe we have one of the best Secretaries of Energy that we have had in a long time. The DOE budget request for fiscal year 2007 reflects some very clear policy choices made by the Secretary in favor of basic science research and applied energy research.

While we don't rubber-stamp every one of the Secretary's priorities, I very much respect that he has been willing to articulate his vision for the Department of Energy and has been willing to make some hard funding choices to support that vision. Frankly, we wish we saw some of that same vision and leadership in the Corps of Engineers.

The devastating consequences of the hurricanes that hit the gulf coast last year demonstrates what happens when we make the wrong investments in critical water resources infrastructure.

□ 1500

The gulf hurricanes served as a wake-up call for many other parts of the country, such as Sacramento, that have inadequate flood protection.

Last fall, we asked the corps to provide Congress with a "top 10" list of the flood control and navigation infrastructure needs in the country. The corps was surprisingly unable or not allowed to respond to this simple request, and that tells me the corps has lost sight of its national mission and has no clear vision for projects it ought to be doing in the future.

We have asked the corps to prepare 5-year budget plans, and the corps has made real progress in making these a useful planning tool, but we have not got there yet.

We have also tasked the National Academy of Public Administration to identify sensible criteria for prioritizing the most worthy projects in the future. But, frankly, what is

still lacking is a long-term vision of what the Nation's water resources infrastructure should look like in the future. "More of the same" is not a thoughtful answer, nor is it a responsible answer in times of constrained budgets.

After the New Orleans experience, should we continue to rely solely on levees for urban flood protection? What should our deepwater and inland navigation system look like in 20 years? Nobody right now can tell me that, and I have been asking that for a couple of years.

And how should the corps be structured and managed to meet these changing times? The committee is determined to work with the corps, with our colleagues in the Congress, and with outside groups to help the corps craft a better vision for the Nation's water resources in the future.

Our country is also in an energy crisis, and we have the responsibility to do everything we can in our bill to address that. I feel our bill, within the limits of our jurisdiction, does that. Our bill provides significant funding increases for research on renewable energy and nuclear energy resources. This research is not going to get us the results overnight, but it puts us on a long-term path to increasing energy independence.

In short, this bill supports a variety of energy efficiency programs that can realize savings immediately. The bill increases funding for weatherization, energy savings programs for the Federal Government, vehicle technologies, building technologies, and industrial technologies, all efforts in the near term to find energy savings wherever we can.

Now let me talk about earmarks.

My goal for this year's bill is to earmark less than we did last year. The number of incoming Member requests to our subcommittee was down slightly from last year. In fiscal year 2007, we received 2,957 requests, a reduction of 17 percent from the 3,572 requests submitted in fiscal year 2006.

By comparison to the total value of \$1.24 billion of earmarks and congressional adds that we carried in our bill and report last year, we have only \$1.4 billion this year. This is a reduction of \$200 million, or 16 percent. Frankly, if we include congressional adds and programmatic increases and focus only on project-specific earmarks, then our earmarks total only 1 percent of a \$30 billion appropriations bill.

Most importantly, most of the earmarks in our bill are fully funded, meaning they do not compete with administration priorities. And I want to say once again we not only take out ours where we have to, we take out the President's, and last year we took out a number on the Senate when we got to conference.

We have produced a very responsible House bill. If you want to see real earmark reform, then we encourage our colleagues in the other body to live by

the same earmark levels that we have in our bill and to provide funding headroom for those earmarks so they do not adversely impact the base programs of our agencies.

Lastly, I want to thank all members of the Energy and Water Subcommittee for their help in bringing this bill to the floor. Our subcommittee held four more hearings than last year, including two intensive oversight hearings on the Hanford Waste Treatment Plant and on reform of the DOE nuclear weapons complex. I appreciate our members' attention and participation in these hearings.

I particularly want to thank the ranking member, the gentleman from Indiana (Mr. VISCLOSKEY). He has been a true partner in this bill. We have had some hard-fought wins in this bill and have continued to work together. This is truly a bipartisan bill that represents the best of this Congress. This is the way I believe our constituents expect their representatives to work together. I am proud of our bipartisan process.

I also want to thank the chairman of the Appropriations Committee, Mr. LEWIS, and the ranking member, Mr. OBEY, for their support and for allowing us to move this bill forward in an expeditious manner.

Lastly, I want to thank the staff of this subcommittee, and it is truly a bipartisan staff. Kevin Cook is our clerk, Scott Burnison, Terry Tyborowski, Taunja Berquam and Tracy LaTurner, and I thank them for their hard work on this bill. I also want to thank Dixon Butler of the minority staff, and both Kenny Kraft from my office and Peder Maarbjerg of Mr. VISCLOSKEY's office.

I might add that Peder is going to be leaving. This is his last bill. He has done a great job. He has always been great for everybody to work with. He is headed off to law school. Mr. VISCLOSKEY and I are both lawyers; I am not sure that he took our advice, but he is doing it anyway. We want to wish him well in his new career.

I also want to acknowledge our agency detailees. The formerly single Tony DiGiovanni, and he just got married last week. We tried to advise him, but he didn't listen and got married. He is from the Department of Energy. And I am probably going to hear from a lot of people about that, but I have been married to my first wife for 47 years, so I guess I can get away with that maybe a little bit.

And also Debbie Willis from the Corps of Engineers for their invaluable assistance in putting this bill together.

If you see the hard work that goes into putting these bills together and all of the detail and especially the phone calls we get asking: How did I do in the bill? How come I didn't get more? What do you mean this is a new start? What do you mean?

Everybody thinks that their thing is the most important thing. We tried to do the best we can. I am sure we made some mistakes, and we will try to take care of those in conference on this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKEY. Mr. Chairman, I yield 7¼ minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I thank the ranking member for the courtesy he is extending me today.

Mr. Chairman, I rise in strong opposition to Yucca Mountain and to the \$500 million in funding that this bill will waste on efforts to turn Nevada into a nuclear garbage dump.

The families I represent in Las Vegas and north Las Vegas remain overwhelmingly opposed to Yucca Mountain. A recent survey found that 80 percent of southern Nevada residents are against high-level nuclear waste buried only a short drive from homes and businesses in by far the fastest-growing metropolitan area in the United States.

They know that Yucca Mountain is a total failure and that transporting nuclear waste to Nevada is a disaster waiting to happen and an invitation to terrorists looking to build a radioactive dirty bomb.

But that is not the only reason I stand before you today. Mr. Chairman, I cannot believe that we are being asked to approve nearly \$550 million for Yucca Mountain at a time when the Secretary of Energy cannot even calculate the cost of the proposed dump.

This past February, Secretary of Energy Bodman told the New York Times that his Department no longer, and I quote, "No longer has an estimate of when it can open the nuclear waste repository that it wants to build at Yucca Mountain, and it may never have an accurate prediction of the cost."

Let me read that last sentence again: The Department of Energy may never have an accurate prediction of Yucca Mountain's total cost.

The Secretary testified in front of the committee that not only does he not have an accurate prediction of the cost but does not have any idea when Yucca Mountain may open. Yet here we are debating whether or not to spend \$550 million on this boondoggle in the middle of the Nevada desert. It is an insult to the taxpayers of this Nation that we even consider spending another half a billion dollars on a proposal that threatens communities in 43 States, threatens our environment, threatens the health and safety of more than 2 million southern Nevada residents, and threatens to break this Nation's bank.

I ask my friends on both sides of the aisle, how can you vote for more spending on Yucca Mountain when we do not even know how much it will cost, when it will open, or whether it will work?

When it comes to reasons to oppose Yucca Mountain, what I have just said is only the tip of the iceberg. My colleagues, how can you vote to continue funding the Yucca Mountain project when there is overwhelming evidence of chronic mismanagement and blatant

disregard for quality assurance requirements? Are you so beholden to the nuclear industry that you will not stand up for the health and safety of millions of our fellow citizens?

In its most recent report, the GAO found that since the 1980s and up until this year there have been massive ongoing problems with quality assurance efforts at Yucca Mountain, including evidence that workers at the site deliberately falsified their own work.

E-mails written by employees conducting experiments at Yucca Mountain described keeping two sets of books, Mr. Chairman, one with the real information, one for the regulators. Allow me to read these e-mails:

"This is as good as it is going to get. If they need more proof, I will be happy to make up more stuff." And another e-mail brags, "I don't have a clue when these programs were installed so I made up the dates and names."

While these workers are not being criminally prosecuted for their deceitful acts, and why, I don't know, what GAO found was a quality assurance program at Yucca Mountain riddled with failures that threatened to completely undermine the validity of scientific work done at the proposed site, and these findings are supposed to serve as a basis for licensing Yucca Mountain.

Work performed at Yucca Mountain is so flawed that in some cases the DOE is spending millions of taxpayer dollars to have the science redone in the hopes of salvaging what remains of this project.

So don't let anybody talk to me about sound science. This project is a slap in the face to any scientists worthy of that title.

But we cannot stop there, Mr. Chairman. It is vital my colleagues also remember that the area surrounding Yucca Mountain has been rocked by earthquakes and violent volcanic activity. This is especially troubling considering that waste stored at Yucca Mountain will not even reach its peak danger levels for 300,000 years and will remain toxic for nearly 1 million years.

Are we so arrogant to think that mankind actually has the ability to safeguard all of the nuclear waste ever generated in this country in one place for a period of approximately a quarter of a million years longer than modern humans have roamed the face of the earth?

Let me also remind my colleagues of the groundwater beneath the Nevada desert. Are you willing to risk destroying the ecosystem of the southwestern United States to appease the nuclear industry? I am not. Is that what we want for the future of our communities? Is that what we want for families in Chicago and St. Louis and Denver and Salt Lake and others living along the waste transportation routes to Yucca Mountain, thousands of shipments of deadly radioactive waste over decades traveling along our roads and railways?

There is a better solution, Mr. Chairman. Leave the waste at the plants where it is produced in secure dry-cask storage, where it can safely sit for the next 100 years.

Mr. Chairman, in addition to funding for Yucca Mountain, this legislation also contains \$120 million for the President's Global Nuclear Energy Partnership, which I also strongly oppose. This dubious project seeks to export nuclear technology to developing nations with the guarantee that the U.S. will take back whatever nuclear waste is produced.

In other words, not only will the United States of America, State of Nevada, be the dumping ground for all of this Nation's nuclear waste, we are now supposed to be the dumping ground for the entire world's nuclear waste?

Mr. Chairman, I strongly support the efforts of my colleagues to eliminate funding for GNEP, not only because it threatens to send more nuclear waste to the United States but because nuclear reprocessing creates materials that can be used to create a nuclear bomb.

Mr. Chairman, in conclusion, I want to remind you that Nevadans are overwhelmingly opposed to seeing the Silver State turned into a nuclear garbage dump. The only safe solution is to keep the nuclear waste at the plants where it is produced in dry-cask storage.

Funding for Yucca Mountain should be eliminated, and we ought to be paying the nuclear power plants for storing this waste.

I am not an advocate of civil disobedience, but, as God is my witness, I will lie in front of any train that attempts to ship nuclear waste to Nevada. I will stand on the highway to stop any truck that is putting nuclear waste in Nevada. Nuclear waste will come to Yucca Mountain, Nevada, over my dead body, I promise you that; and I hope the people listening will contact their representatives and stand with the State of Nevada against this outrage.

□ 1515

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would admonish visitors in the gallery not to show their approval or disapproval of debate on the House floor.

Mr. VISCLOSKY. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. MILLER) for purposes of a colloquy with the chairman.

Mr. MILLER of North Carolina. Mr. Chairman, the Energy Policy Act of 2005 included two provisions to improve the technology transfer of new energy technologies, neither one of which has received any funding in this appropriations bill.

Section 1001 of the bill would establish a technology commercialization fund by dedicating .9 percent of DOE research funding to tech transfer. The Appropriations Committee, I understand, has not funded that provision, because the committee considers the

dedicated funding source a tax on the funding of important research programs at the Department of Energy.

But, Mr. Chairman, also, section 917 of the bill, which I first offered as an amendment in the Science Committee, authorizes the establishment of Advanced Energy Efficiency Technology Transfer Centers. This section authorizes such funds as may be appropriate, around \$10 million, and does not take funding away from other research funding into alternative energy.

However, this appropriations bill also provides no funding for those technology transfer centers either.

Mr. Chairman, I am pleased that this bill does substantially increase funding for energy efficiency, for renewable energy, for basic research. I devoutly wish that it was increased more still. But I am concerned, Mr. Chairman, that we are ignoring solutions to our energy problems that are available to us now. I am concerned that we are not supporting moving technology out of the laboratory and into the marketplace, where such technologies will save consumers and businesses on their energy bills.

I hope, Mr. Chairman, that you and the committee will recognize the importance of technology transfer and provide a near-term solution to our energy needs and provide appropriate funding.

Mr. HOBSON. Mr. Chairman, I agree with the gentleman that this research and development that we are funding in this bill needs to have a pathway to the marketplace. As we move forward to a conference with the Senate, we will both, Mr. VISCLOSKY and myself, keep the gentleman's concerns in mind, as we agree.

Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. BOEHLERT).

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of this bill; and I want to commend Chairman HOBSON for the outstanding manner in which he has brought this House to this point, cooperating fully, minority, the majority, cooperating fully with the authorizing committees, and how refreshing that is to see us working hand in glove in common cause.

This bill is very important in the priorities it sets. The President's American Competitive Initiative is fully funded; the President's advanced energy initiative, which is fully funded, except for wise reductions on nuclear reprocessing.

I want to thank Secretary Bodman and Under Secretary Orbach for the long-needed attention they have brought to science programs at the Department. They are two of the finest senior public officials in this or any administration, and we are very fortunate to have them at their post.

As the National Academy of Sciences points out in the report, rising above

the gathering storm, the U.S. must substantially increase its investment in basic research and the physical sciences to remain competitive. This bill responds to that message. This bill is a good bill. I urge its full support.

Mr. VISCLOSKY. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding me the time and also to Chairman HOBSON.

Mr. Chairman, I have served on this committee for 12 years. Let me compliment both you and the ranking member for your relentless pursuit of accountability and fiscal restraint in this bill. This bill has addressed nuclear issues, protecting the nuclear stockpile, seeking to address waste issues, navigation issues, issues that relate to lessons learned from Katrina. The chairman and committee members have been hands on.

We have done things with the Army Corps in terms of its management alternative, energy alternatives, as Congressman BOEHLERT just mentioned, the American Competitive Initiative, more money into research and science, and in terms of energy renewables, the work of the ITER program, the international ITER program in terms of fusion, their combination with domestic fusion.

On a more parochial level, Mr. Chairman, thank you for the endorsement of the good work that we do in the New York-New Jersey region in terms of keeping the Port of New York and New Jersey open for business, a linchpin to the eastern coast economy.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Chairman, I rise in strong support of this bill.

Since coming to Congress, I have been advocating for increased resources for research in the physical sciences and for the Department of Energy Office of Science in particular. I just really am most gratified that the chairman and the ranking member of the Energy and Water Subcommittee fully supported the President's request for funding for the DOE Office of Science.

As the Nation's primary supporter of research in the physical sciences, the DOE Office of Science led the way in creating a unique system of large-scale, specialized, often one-of-a-kind facilities for scientific discovery.

I also want to express my appreciation for the funding provided for the Energy Supply Account. This bill before us contains vital work in fossil energy, nuclear energy, renewable energy and conservation. Such a diverse portfolio of technologies is necessary to secure our energy future. These technologies represent wise investments and deserve broad support.

At the same time, I want to register my concern about the decreased funding for the Global Nuclear Energy

Partnership, or GNEP. We must begin developing advanced fuel cycle technologies now. I know the chairman of the subcommittee appreciates this fact and wants DOE to do it right. So do I, which is why I look forward to continuing our work on this issue of common interest.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I thank my colleague and also the Chair of the committee for bringing the bill up. I also want to thank my good friend from Indiana.

Mr. Chairman, I rise in support of the legislation. I want to thank the subcommittee leadership for their inclusion of \$43 million for the Houston Ship Channel Navigation project and for \$13 million in operations and maintenance for the Houston Ship Channel.

The navigation funding goes towards important environmental restoration work in the deepening and widening project. We are at the end of that project now.

The operations and maintenance funding is not as much needed to keep the channel at its authorized depth, but I am concerned by the lack of O&M maybe not only for the channel but for others. Our problem is that if the channel silts up, those oil tankers that we bring in with crude oil to our refineries, we will have to off-load or lighten them off the coast, and it will actually raise the price of our gasoline. The O&M is a concern that I have with gas prices so high. We don't really want to build all that extra cost into the refining.

I also want to thank the committee for the portion of the 2005 Energy Policy Act, the Rocky Mountain Oilfield Testing Center in Wyoming. The energy bill last year authorized this funding, so we can actually drill horizontally 50,000 feet instead of what we currently do. Again, it is something that will help us to get more reasonably priced products.

I do have some concern also about the lack of flood control funding, because I not only represent an energy-producing area but we are also a low-lying area. The Corps \$4.98 billion is a cut of \$345 million from last year, but I am pleased the committee went above the President's budget by \$250 million.

I have three projects, Greens Bayou, Hunting Bayou and Halls Bayou, that were flooded with Allison in 2001; and we are on a road to try and get those so we don't have those massive floods like we did in 2001. I would hope that the committee would look at the cost-benefit ratio so that we don't see those floods. These homes are not vacation homes. They are blue-collar folks' homes that actually work at those refineries that were flooded in 2001.

With that, Mr. Chairman, I would hope that the committee would look at those in the conference committee.

Mr. Chairman, I rise in support of this legislation.

I do wish to thank the subcommittee leadership for their inclusion of \$43 million for the Houston Ship Channel Navigation project and for \$13 million in operation and maintenance for the ship channel.

I have serious concerns with the lack of flood control funding for the U.S. Army Corps of Engineers.

The bill provides the Corps \$4.98 billion, a cut of \$345 million below last year. I am pleased that the Committee was able to go \$250 million above the President's request, but unfortunately that increase was not enough.

We requested funding for three federal flood control projects in our Harris County, TX, district—Greens Bayou, Hunting Bayou, and Halls Bayou—and not one of these projects was funded. These projects are all properly authorized.

Congress has funded Greens Bayou and Hunting Bayou for many years in a row now, and the general reevaluation review for Greens Bayou is almost complete. We need only \$488,000 more to finish it.

We are told the subcommittee has a preference for completing existing projects and studies. As a result, I hope they will reconsider both of their decisions on Greens Bayou, which could have a completed study this year with funding, and Hunting Bayou, which is an ongoing construction project.

The Greens Bayou project has a high 3.7 benefit to cost ratio, and in 2001, over 15,000 homes in this watershed flooded in Tropical Storm Allison.

Hunting Bayou has already started construction and a cut-off of Federal funding threatens to put this project into danger of falling further behind schedule.

The Hunting Bayou project will reduce the number of homes and businesses in the 100-year flood plain by 85 percent, from 7,400 structures to 1,000. Eight thousand homes flooded in this area during Tropical Storm Allison as well.

It is particularly shocking that these projects were zeroed out this year because these flood-prone areas are now home to thousands of Katrina evacuees.

I am very concerned that we are going into a cycle of increased hurricane activity at the same time that we are failing to make the necessary flood control investments for our coastal cities.

Greens Bayou, Hunting Bayou, and Halls Bayou are not projects to protect vacation homes or homes in obvious flood hazard areas. Most of these areas were outside the flood plain until upstream development expanded the flood plains.

I do wish to thank the subcommittee leadership for their inclusion of \$43 million for the Houston Ship Channel Navigation project and for \$13 million in operations and maintenance for the ship channel.

The navigation funding will go towards important environmental restoration work included in the deepening and widening project, keeping

our commitment to our region's environment and ecology strong.

The O&M funding is not as much as needed to keep the channel at its authorized depth, and I would alert the committee that if the channel is silted up too much, oil tankers will have a hard time getting to the major gasoline refineries.

With gas prices at the current high levels and supplies tight, we cannot risk another supply constraint.

I also want to thank the committee for funding a portion of the 2005 Energy Policy Act: the research into extended reach drilling at the Rocky Mountain Oilfield Testing Center in Wyoming.

This research promises to extend drilling up to 50,000 feet in three dimensions, which will allow us to recover more resources with fewer drill sites.

Congress's interest in this project is justified because of its potential to reduce the environmental cost of oil and gas production.

Mr. Chairman, I support the bill today, but I am making an urgent plea for flood control funding for Harris County. We dodged Hurricane Rita last year; over the next couple of years we may not be so lucky.

We don't want to look back on the next few hurricane seasons with the same regrets as we did after Hurricane Katrina.

Mr. VISCLOSKY. Mr. Chairman I yield 2 minutes to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Chairman, I thank my friend for yielding time.

If anyone needs to find an example of bipartisanship and good work product, they need to look no further than the Energy and Water bill, under the leadership of DAVE HOBSON and PETER VISCLOSKY, two fine midwestern gentlemen who know how to work together and lead us in a bipartisan way toward energy independence in the stronger and more effective Army Corps of Engineers.

One issue within the bill that I would like to address, Mr. Chairman, that is the Department of Energy's recent pronouncement that it would no longer reimburse Department of Energy contractors for contributions to defined benefit pension plans and medical plans. It is an overly broad and unprecendented position.

One Cabinet agency is attempting to prohibit contributions to defined benefit plans at the very moment the House and Senate conferees are negotiating over provisions to strengthen the financial solvency of the very same defined benefit plans. DOE should not be allowed to unilaterally mandate a reimbursement policy.

The White House has publicly supported reforms to our country's pension laws to strengthen defined benefit plans. We commend Chairman HOBSON and Mr. VISCLOSKY for inserting language into this appropriations bill to preclude DOE from implementing this policy.

Make no mistake that the House is working its will on this specific issue and is repudiating the DOE's policy to prohibit reimbursement of contractor contributions to these plans.

It is my hope and expectation that the House leadership will sustain this position on any negotiations with the Senate. America's workers who are covered by defined benefit plans deserve our full support and protection.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, last month the Department of Energy announced, with no notice or consultation with Congress, that it would stop its contractors from offering traditional pension plans to new employees and cut back on health benefits as well, starting next year.

Over the next several years, this radical new policy would torpedo the retirement benefits of over 100,000 employees working on the Nation's most cutting edge and vital research and energy projects.

This unilateral action by the Department of Energy is a mistake in many ways. It sends a message that the Federal Government no longer supports one of the country's bedrock retirement systems.

The Department will shuffle employees into 401(k) savings plans, a vehicle that puts at risk all of the employees. Let's be honest. The 401(k) plans were never designed to meet comprehensive retirement needs of employees. They are saving plans, not retirement plans.

But I want to commend Chairman HOBSON and Ranking Member VISCLOSKY for addressing this issue in this legislation. It would stop the Department of Energy from implementing this new policy and prohibit it from using the contracting process in any way from curtailing traditional pension plans and health benefits.

Groups throughout the retirement policy area have expressed concern with the Department of Energy policy, the AFL-CIO, the AARP, Mercer Human Resources Consulting and Pension Rights Center.

Major Energy Department laboratories and facilities are spread throughout the country. These contractors range from institutions like the University of California, Iowa State University, and major companies like Honeywell, Fluor, Johnson Controls and Westinghouse.

Thousands of workers at the Energy Department facilities in Oak Ridge, Tennessee; Hanford, Washington; Idaho Falls, Idaho; Portsmouth, Ohio; and Los Alamos, New Mexico have jobs with traditional pension plans and comprehensive benefits. We need this as we try to stay on the cutting edge of competitiveness on a worldwide competition to make sure that we can track the best that this country has to offer in terms of scientists, engineers, computer technicians and the rest.

I want to thank the chairman and the ranking member for taking care of this in this legislation.

Mr. HOBSON. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. LATHAM), a member of the committee.

Mr. LATHAM. Mr. Chairman, I want to thank Chairman HOBSON for the great work that he has done and the ranking member, Mr. VISCLOSKY, just a great friend. You two guys fighting over who is going to give me a minute shows me how bipartisan we are here and all the great fellow committee members. This is really a subcommittee that works and works in a lot of different ways.

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We work well together on a very bipartisan basis, but also doing the oversight work, really working through some very difficult issues. We would not be able to do that without the extraordinarily talented professional staff that we have on both sides, and I want to thank them.

This is a very important bill for Iowa, for the country. We have got an energy facility, the Ames Laboratory in Ames, Iowa, and obviously, the Army Corps of Engineers, and the transportation issues we have on the Mississippi. There are a lot of different issues, the riverfront improvements in Fort Dodge, other environmental conservation projects around.

But this is a very, very good bill, accomplished by people working together, and I just want to once again express my appreciation to the chairman and ranking member and the great staff.

Mr. HOLT. Mr. Chairman, I rise in reluctant support of the Energy and Water Appropriations bill that we are considering today.

The Energy and Water bill funds our Nation's Department of Energy programs, water and science programs and some defense and agriculture related programs. Unfortunately, instead of making a commitment to a rational energy policy this bill continues our dependence on fossil fuels; continues our practice of poisoning our lands, oceans, and air; and does little to combat rising gas prices.

While H.R. 5427 does increase funding for alternative energy research and development, we must do more. I was pleased to learn that energy supply and conservation programs are funded at \$2 billion, 5 percent more than the President's request and 12 percent more than the current level. Important initiatives that will receive additional funding are renewable energy and energy efficiency programs; including biomass fuels, hydrogen technologies and solar power.

Appropriations bills are a chance for Congress to fund programs that we believe fit our Nation's goals and protect the best interests of the American people. In this bill, we must show our commitment to important programs that promote sustainable energy sources, energy efficiency, and eliminate our dependence on foreign oil. We can and should do better than what we are considering today.

That is why I supported the Visclosky amendment which would have invested \$750 million in alternative energy, innovation, and energy efficiency by increasing funding for the Biomass and Biorefinery Systems Research

and Development and various other technologies such as clean coal and geothermal research and development.

Tomorrow we will consider a bill once again that will allow drilling the Arctic National Wildlife Refuge. I wonder when my colleagues will learn that drilling our way to energy independence is unrealistic and simply flawed logic. We must focus on developing sustainable energy sources and encouraging conservation. This is the only way to actually work our way to energy independence.

I urge my colleagues to make a commitment to alternative energy sources. Ernest Hemingway wrote, "The world is a fine place and worth fighting for." We must continue to fight to preserve our environment and develop energy sources that are clean, safe and sustainable.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman I want to thank the gentleman from Ohio and the gentleman from Indiana for their leadership on this important piece of water resources legislation in the midst of an extremely tight budget environment.

I support the fiscal year 2007 Energy and Water Development appropriation measure.

This measure includes funding for a number of flood control projects administered by the Corps of Engineers that are desperately needed within my congressional district: the Nokomis Road Bridge Erosion Project, the Upper Trinity River Feasibility Study, and most importantly the Dallas Floodway Extension.

I appreciate the subcommittee's consideration of my requests and your past support for vital flood control projects in my congressional district.

My constituents in the region are highly concerned about the possibility of severe flooding of the Trinity River, an event that could result in countless loss of lives and almost immeasurable property damage.

The Dallas Floodway Extension, DFE, is the linchpin of the city's flood control efforts. Each year the Office of Management Budget finds within its good graces to zero out funding, but the project is of critical importance to my constituents.

This legislation includes \$5 million for the construction of the Dallas Floodway Extension.

This funding will go towards the construction of a chain of flood conveyance wetlands and a system of protective levees that will enhance the security of Dallas' central business district and area neighborhoods. The project will also reclaim 792 acres of land that are currently in the 100-year flood plain.

Although I am disappointed that this amount falls far below the Corps' expressed capability of \$28 million, it is my hope that the project funding may be revisited during the House-Senate Conference.

As the country's recent flooding events have highlighted, we can not continue to short-change this Nation's water resources infrastructure.

Adequate investment in our nation's infrastructure will protect lives and property, bolster economic growth, and further enhance the quality of life for all our constituents.

While I recognize the difficult constraints the committee worked under in developing this legislation, and appreciate the funding included, I also know it is imperative to the public health and safety of the people of Dallas that this project proceed as quickly as possible.

Mr. Chairman, I appreciate the bipartisan effort that went into the drafting of this legislation, commend that effort as a model for the way in which this Chamber ought to routinely work, and urge a "yes" vote on H.R. 5427.

Mr. SPRATT. Mr. Chairman, I rise to express my deep concern about the subcommittee's decision to zero out funds for the Mixed Oxide, or MOX, fuel fabrication plant at Savannah River Site in South Carolina. In a nutshell, the MOX fuel plant would take weapons grade plutonium and convert it into fuel usable in commercial reactors.

In 2002, the state of South Carolina, in an arrangement with the Department of Energy and Congress, agreed to allow 34 tons of weapons grade nuclear material for MOX processing be stored at the Savannah River Site. In exchange, the state of South Carolina received assurances that the MOX fuel plant would be completed on schedule. And to be sure, we put in place penalty payments for the Department of Energy if the MOX fuel plant's construction delayed beyond 2011.

In parallel with this U.S. effort, the U.S. and our allies agreed to help fund a MOX facility in Russia, where the Russians would likewise convert 34 tons of their own plutonium into MOX fuel. To nearly everyone, this seemed like a good deal—and in any event, a done deal. In the U.S., we would eliminate the expense and risk of safeguarding weapons usable nuclear fuel. In Russia, we would eliminate the risk that weapons grade nuclear material would fall into terrorist hands. And for the nuclear power industry, we would provide a new source of nuclear fuel.

For four years, we have been told by the Department of Energy that liability concerns for U.S. contractors in Russia were the hold-up for the MOX facility—a problem we believed was resolved last summer. Unfortunately, earlier this year it came to light that there was a more fundamental problem. In February, the Russians informed U.S. officials that they would only move forward with the MOX fuel facility in Russia if the MOX fuel could be used in new so-called fast reactors, which pose proliferation concerns, or if the international community paid for the whole project. This development called into question the nonproliferation benefits that the U.S. might expect from MOX.

I can understand Chairman HOBSON's concern about these changes to the MOX fuel program. In fact, I share them. But that does not change the fact that without the MOX program, South Carolina is stuck with 34 tons of weapons grade plutonium with no clear pathway for disposal. When South Carolina agreed to take the Nation's plutonium, it did not do so to become plutonium's final burial place. We only took the plutonium with the promise that a processing facility and ultimate removal would be forthcoming. The penalty payments imposed on the Department of Energy were our ace in the hole to make sure this happened. In the Defense Authorization bill, we even included language attesting to the fact that the South Carolina MOX facility was worth doing on its own, separate of the Russian facility if need be.

We learned of Russia's decision shortly before the Defense Authorization bill was marked up in the Armed Services Committee, and we took sensible steps to account for these new circumstances. What the House Armed Services Committee did is fence the funds sought

for the MOX fuel plant, pending a report from the Department of Energy that reaffirms this process as the preferred technology and most cost-effective means for disposing of weapons-grade plutonium. Millions of dollars have been spent in the expectation that the MOX fuel decision was a done deal. An EIS has been prepared. Tons of plutonium have been shipped to South Carolina, based on the iron-clad promise that it would be processed into MOX reactor fuel and shipped out on schedule. The contractor for the project has put together an impressive engineering team, and begun design work. Duke Energy has obtained MOX fuel assemblies from France and loaded the fuel rods in its light water reactor. To cancel this substantial project so precipitously, with no input from the Department of Energy, with no consideration of sunk cost, and with the enormous cost to terminate for convenience does not seem wise or right to me, particularly when we lack an agreed-upon alternative that has been studied and found superior to the MOX fuel option.

I am not dogmatic about MOX; if other treatment options are available and cost effective, I am open to those options. But with over half a billion dollars already invested in the MOX facility, I am wary of scrapping the whole idea and starting over. I understand that Chairman HOBSON put \$111 million of the MOX cut into exploration of other treatment options at Savannah River Site, and I commend him for that. But I think we should withhold judgment on MOX fuel until we have at least received the report sought by the House Armed Services Committee. I look forward to working with Chairman HOBSON and Ranking Member VISCLOSKY either to restore funding or to find an alternative that is mutually agreeable.

Thank you for the opportunity to share my views on this issue of great importance to my state, our country, and our nuclear complex.

Mrs. TAUSCHER. Mr. Chairman, I would like to commend Mr. HOBSON and Ranking Member VISCLOSKY for offering a strong bill that ensures that the United States maintains a robust nuclear deterrent and modernizes the infrastructure to support it.

I am especially pleased that the bill continues the House's unwavering support for the National Ignition Facility, NIF at Lawrence Livermore Laboratory in my district with full funding.

As you know, NIF is one-of-a-kind world-class scientific effort that allows the United States to maintain its nuclear arsenal without resorting to underground testing.

Also NIF significantly advances the science of fusion as a potential alternate energy source.

I would like to also commend the chairman on a bill which fully funds the National Nuclear Security Administration's Advanced Simulation and Computing Program, ASC, which has developed the fastest computer in the world.

ASC is vital to the transformation of the Nation's nuclear infrastructure and its simulations will help assess new programs such as the Reliable Replacement Warhead Program, RRW.

Livermore Lab is at the forefront of this work and I welcome the continued investment in computational capabilities, like the Blue Gene L and Purple computers at Livermore Lab, and the unparalleled capabilities they provide.

Again I commend the chairman for a strong mark.

Mr. SIMPSON. Mr. Chairman, in accordance with earmark reform proposals currently under consideration in the House and Senate, I would like to place into the record a listing of the Congressionally-directed project in my home state of Idaho that is contained within the report to this bill.

The project provides \$3 million within the Army Corps of Engineers Section 595 program for rural water infrastructure upgrades in Idaho communities. The funding was authorized in the last Water Resources Development Act.

This funding is critical to assisting rural Idaho communities in upgrading their water and wastewater treatment facilities. In many cases, this funding is required to comply with unfunded mandates passed down by this Congress and federal agencies.

Perhaps the most striking example of why the federal government has a responsibility to assist these communities is the burden the EPA's revised arsenic standard is having across America.

In the small Idaho town of Castleford, the Mayor and City Council had to lay off their only law enforcement officer so they could pay for the arsenic study required by EPA's unfunded mandate. This small town of just a few hundred people has been forced to come up with at least \$2 million—a sum that would have been wholly impossible without some assistance from the federal government.

In addition, these funds help rural communities in Idaho facing economic hardship—like the rural community of Rupert. Rupert, just last week, learned that one of its major employers, Kraft Foods, is closing its cheese plant in the community. The vital water funding in this bill will assist Rupert in attracting new businesses by offering improved services at lower costs than would otherwise be possible.

I'm proud to have obtained this funding for Idaho communities and look forward to working with them in the future to meet their water resource challenges.

I appreciate the opportunity to provide a list of Congressionally-directed projects in my region and an explanation of my support for them.

(1) Rural Idaho Environmental Infrastructure, \$3,000,000—pg. 28.

Mr. FORTENBERRY. Mr. Chairman, I am pleased to express my support for H.R. 5427, the Fiscal Year 2007 Energy and Water Appropriations bill and I urge my colleagues to vote for it.

I would like to begin by commending the distinguished gentleman from Ohio (Mr. HOBSON), the chairman of the Energy and Water Appropriations Subcommittee, and the distinguished gentleman from Indiana (Mr. VISCLOSKEY), the ranking member of the subcommittee, for their outstanding work in bringing this bill to the Floor.

I recognize that extremely tight budgetary constraints this year made the job of the subcommittee much more difficult. Therefore, I believe the subcommittee should be commended for its diligence in creating this fiscally responsible measure.

In light of these fiscal constraints, I am very pleased that the bill includes \$7.5 million for the Antelope Creek Flood Damage Reduction Project, an integral component of a flood control, transportation and community revitalization project known as the Antelope Valley Project in Lincoln, Nebraska. Critical to

progress on the entire Antelope Valley Project is the completion of the drainage work. This multi-purpose project is a partnership of Lincoln, the University of Nebraska, the Lower Platte South Natural Resources District, the Corps of Engineers, and the Departments of Transportation and Housing and Urban Development.

The first segment of the project was completed in 2004 under a \$4 million Corps of Engineers contract. Delay of the next project segment would cause a delay in the transportation improvements already under construction. Completion of the flood control portion is necessary before community renewal can proceed.

It is also important to note that this bill includes \$190,000 to complete the Fremont South Section 205 Flood Control Study. The total cost of the study is \$733,500 and the total federal share is \$366,750, of which \$177,000 has been received over the past two study years. The goal of this project is to provide urgent feasibility planning in connection with upgrading an existing levee in order to keep a portion of south Fremont out of flooding in the 100-year floodplain. This Fremont South area is not currently identified by the Federal Management Agency (FEMA) as being in the designated floodplain. However, a revision to the FEMA Digital Flood Insurance Rate Map will include this Fremont South area when printed and approved in the near future.

Finally, I am pleased that this bill includes \$175,000 for the Lower Platte Natural Resource Districts under the Lower Platte River and Tributaries authority and Section 503 authority. This provision was included in the Water Resources Development Act of 2000 for a carrying capacity assessment for protection of water resources in the critical Lower Platte basin, including planning to expand to a water resource monitoring program. Key to protection of water resources in the basin is a carrying capacity assessment to support watershed management resource protection including the strengthening of related resource monitoring programs.

Again Mr. Chairman, I appreciate the Subcommittee's inclusion of funding for these projects of great importance to my district. I support passage of H.R. 5427 and urge my colleagues to vote for it.

Mr. CARDIN. Mr. Chairman, I believe that we need comprehensive appropriations earmark reform. In the last 10 years, the number and cost of federal earmarks have spiraled out of control, from 4,000 in 1994—totaling 24 billion dollars—to more than 15,000 items last year, valued at more than 47 billion dollars.

Earmarks are out of control. We should reform the manner in which earmarks are approved by Appropriations and Authorizing Committees, with an eye toward increasing transparency and accountability.

But what we are voting on today is a series of amendments, chosen by one member, in an ad hoc, piecemeal attempt to reform the appropriations process one earmark at a time. While this is a useful exercise to point out the problem, having one member pick and choose among existing earmarks is as arbitrary as the underlying process.

I will fight for genuine, comprehensive appropriations reform, so that we can be truly open and accountable to our constituents.

Mr. GONZALEZ. Mr. Chairman, I want to briefly recognize the work the subcommittee

has done in providing \$2.3 million for the San Antonio Channel Improvements Project. This money will provide the first installment of a multiyear construction effort to expand the economic development of the San Antonio River while addressing potential flood control problems.

As many know, the San Antonio Riverwalk which is the central segment of the San Antonio River park system is one of the premier tourist sites in our country. Conceived in the 1930's, the Riverwalk has been an example of everything the Federal government and the Army Corps of Engineers can do right with its water construction efforts.

The San Antonio Channel Improvements Project has fully met the federal technical requirements for project development and fully fits with the Corps' strategic plan for the Nation. This project will significantly enhance flood protection in the San Antonio metropolitan effort while at the same time restore the river ecosystem and connect the San Antonio River park system with the San Antonio Missions National Historical Park.

The significant economic development impact of this project will primarily be felt by the most disadvantaged sections of the San Antonio community. The City of San Antonio and Bexar County have also committed more than \$46 million in local funding to match the Army Corps of Engineers investment in this project.

Mr. Chairman this bill's \$2.3 million initial commitment to the San Antonio Channel Improvements Project is appreciated by the San Antonio community. As the legislative process moves forward on this bill it is my hope the final language for this project will provide the level needed to fully proceed with construction. The construction of the San Antonio Channel Improvements Project will provide untold flood control and environmental benefits as well as economically benefit South Texas. I look forward to continuing to work with the Committee towards that goal.

Ms. LEE. Mr. Chairman, I would first like to thank the chairman of the subcommittee, Mr. HOBSON, and the ranking member, Mr. VISCLOSKEY, for their work in putting together the Energy and Water Appropriations Bill.

I also want to thank both of them for including \$43.5 million in the bill to continue funding the Port of Oakland's 50-foot dredging project in my district in California, as well as for including the Army Corps of Engineers funding request for Operations and Maintenance programs in California that should provide \$6.5 million for the Port.

As the fourth largest container port in the country, the Port of Oakland serves as one of our premier international trade gateways to Asia and the Pacific.

The 50-foot dredging project will underpin an \$800 million expansion project funded by the Port that will improve infrastructure, expand capacity and increase efficiencies throughout the distribution chain.

Once this project is finished, an additional 8,800 jobs will be added, business revenue will increase by \$1.9 billion, and local tax revenues will go up by \$55.5 million. Best of all, 100 percent of the dredged materials will be reused for wetlands restoration, habitat enhancement, and upland use within the San Francisco Bay Area.

I appreciate the subcommittee's support for this project and I look forward to continuing to work with the chairman and ranking member to complete it.

Mr. THOMAS. Mr. Chairman, I rise today to discuss the important issue of dam safety work at Isabella Dam, located in Kern County, California, which I represent.

On April 27, 2006, the U.S. Army Corps of Engineers declared an emergency pool restriction at the Lake Isabella Dam due to concern over increased seepage at the base of the auxiliary dam. On May 1, the Corps began releasing water from the dam to relieve pressure on the dam, until the pool level at the dam reached only 63 percent of capacity. This restriction will remain in place until the Corps can take permanent corrective action at the dam, which may not be until 2012, which is 6 years from now.

The Corps of Engineers has named Isabella Dam as their top dam safety concern in the Nation as a result of the Corps Screening Portfolio Risk Assessment done last year, due to seepage, seismic concerns, and spillway deficiencies. Nonetheless, their estimated time for taking permanent corrective action is 6 years. Because of this significant concern, I am working with Energy and Water Appropriations Chairman HOBSON to secure the additional funding needed for the Corps to continue important drilling, sample collecting, economics modeling, and environmental studies at Isabella in order to expedite this multi-year process.

Isabella Dam protects a population of 300,000 in the Bakersfield area and about 350,000 acres of highly profitable agricultural land and oil fields. Kern County's evacuation plan notes that should Isabella Dam fail, within three and a half hours portions of the city of Bakersfield would be under as much as thirty feet of water. Loss of life and property, including agricultural land, which annually produces crops with a \$3.5 billion farmgate value, would be tremendous. Likewise, there would be tremendous damage to oil infrastructure and significant impact to the entire Nation because Kern County annually produces more oil than Oklahoma.

I am also concerned about the considerable economic hardship that has already occurred as a result of the Corps' pool restriction at Isabella. Water agencies and the City of Bakersfield who have water rights on the Kern River have already lost 77,000 acre feet of water since the pool restriction was put in place. This is precious water, with a conservatively estimated value of over \$2.5 million. Allowing water to be lost simply because there is no place to store it is an immense problem in a State like California, which has limited resources.

Given the immediate and considerable safety and economic concerns surrounding Isabella Dam, I will continue to work with my colleagues and the Corps to resolve the problem as swiftly as possible.

Mr. SALAZAR. Mr. Chairman, I rise today to express my support of the House version of the Energy and Water Appropriations Act for Fiscal Year 2007, and I urge my colleagues to vote in support of this important measure.

I commend Chairman HOBSON and Ranking Member VISCLOSKEY for their work on this bill. I believe it is a good start for addressing our Nation's water infrastructure and energy research needs, especially given the budget constraints.

As a water user in Colorado's San Luis Valley, I know and understand water issues, and I can't emphasize how important it is to invest

back into local water infrastructure. Without this investment, I fear we will continue to see a decline in the management of this irreplaceable resource—water is the lifeblood of our rural communities.

The House Energy and Water Appropriations Bill would provide \$5 billion for the Army Corps of Engineers, \$923 million for the Bureau of Reclamation, and \$24.6 billion for the Department of Energy. Of this amount, \$1.9 billion is provided for energy research, development, and demonstration and conservation deployment—an amount \$20 million above the previous year and \$55 million above the Administration's request.

I am pleased the committee included funding for three important projects which I had requested back in March for the 3rd District of Colorado. First and foremost, the committee included \$57.4 million in funding for construction of the Animas-La Plata Project. This funding level represents a \$4 million increase over the FY 2006 funding level.

Completion of the A-LP will provide a much-needed water supply in the southwest corner of our state for both Indian and non-Indian municipal and industrial purposes. It will also fulfill the intent of a carefully negotiated settlement agreement in the mid-1980s to ensure the legitimate claims of the two Colorado Ute Tribes could be met without harm to the existing uses of their non-tribal neighbors.

Since 2002, the Bureau of Reclamation has made much progress, and work has been completed or initiated on many key project features. While I had hoped we could achieve a funding level closer to the Bureau of Reclamation's current capability of \$70 million, I appreciate the committee's decision to increase the project funding level. If we can speed up completion of the project, then we avoid costly delays, saving taxpayer money.

I am pleased that the FY 2007 Energy and Water Appropriations bill also includes \$350,000 for the Arkansas River Habitat Restoration Project. The U.S. Army Corps of Engineers in cooperation with the City of Pueblo, Colorado has completed 95 percent of the project including fish habitat structures along a 9-mile section of the river below Pueblo Dam through downtown Pueblo. This funding would be used to complete the project which is an important environmental restoration project for the project.

The committee also provided a \$789,000 appropriation for the Army Corps of Engineers to engage in operations and maintenance at Trinidad Lake, Colorado. While I appreciate the funding for this project, I am disappointed that the committee chose to reduce its funding by almost half of last year's level. Trinidad Lake is a multipurpose project for flood control, irrigation and recreation, and was authorized by the 1958 Flood Control Act. I realize we are under tight budget constraints but a delay in necessary funding will end up costing us more in the long run.

Finally, I am pleased with the increased funding this bill dedicates for research and development. Some of this money will go directly to the National Renewable Energy Lab (NREL) in Golden, Colorado. NREL is home to some of the most innovative renewable energy research in America and even the world. There is also an increase above the Administration's budget request for weatherization grants. This program directly helps the American consumer by assisting them in energy

conservation measures. Conservation is the quickest way for consumers to deal with high energy prices.

Given the current budgetary constraints, I believe this bill is a good start. The funding included for Colorado projects is important for improving water related infrastructure in our state. As we move forward with the appropriations process, I will continue the fight to preserve funding for Colorado and the 3rd Congressional District.

The CHAIRMAN. The gentleman from Ohio's time has expired.

Mr. VISCLOSKEY. Mr. Chairman, I yield back my time.

Mr. HOBSON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. BIGGERT) having assumed the chair, Mr. GUTKNECHT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5427) making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes, had come to no resolution thereon.

LIMITING AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 5427, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2007

Mr. HOBSON. Madam Speaker, I ask unanimous consent that during further consideration of H.R. 5427 in the Committee of the Whole pursuant to House Resolution 832, notwithstanding clause 11 of rule XVIII, no amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

An amendment by Mr. VISCLOSKEY regarding funding levels and tax cuts;

An amendment by Mr. KING of Iowa regarding Corps of Engineers funding;

An amendment by Mr. DEAL of Georgia striking section 110 of the bill, which shall be debatable for 20 minutes;

An amendment by Mr. PICKERING regarding funding limitation on Corps of Engineers contracting;

An amendment by Ms. DELAUNO regarding funding for the State energy grant program;

An amendment by Mr. MARKEY regarding funding reduction for GNEP;

An amendment by Ms. MILLENDER-MCDONALD regarding funding for energy efficiency programs;

An amendment by Mrs. DAVIS of California regarding funding for industrial assessment program;

An amendment by Mr. ANDREWS or Mr. LEACH regarding funding for the Global Threat Reduction Initiative;

An amendment by Mr. WILSON of South Carolina regarding funding for MOX plant at Savannah River site;

An amendment by Mr. BROWN of Ohio regarding funding limitation for contracts relating to port security;

An amendment by Mr. TIAHRT regarding funding limitation on competitiveness;

An amendment by Mr. GORDON regarding funding limitation on energy efficiency in Federal buildings;

An amendment by Mr. BISHOP of New York regarding funding limitation on FERC reviews of LNG floating storage applications;

An amendment by Ms. BERKLEY regarding funding limitation on Yucca Mountain Youth Zone Web site;

An amendment by Mr. MARKEY regarding funding limitation on subtitle J of title IX of Energy Policy Act of 2005;

An amendment by Mr. ENGEL regarding funding limitation on alternative fuel vehicles;

An amendment by Mr. LYNCH regarding a Secretary of Energy plan for oil and gas supply disruptions;

An amendment by Mr. BARTON of Texas regarding funding limitation on GNEP;

An amendment by Mr. HEFLEY regarding across-the-board cut;

An amendment by Mr. HINCHEY regarding funding limitation on electric transmission in the Upper Delaware Scenic River;

An amendment by Mr. STUPAK regarding funding limitation on Corps of Engineers harbor dredging policy;

An amendment by Mr. KING of Iowa regarding funding limitation on bimodal spring pulse releases on Missouri River;

An amendment by Mr. INSLEE regarding funding limitation on termination payments by certain regulated entities;

An amendment or amendments by Mr. HOBSON regarding funding levels;

An amendment by Mr. FLAKE regarding funding limitation on the Center for End-of-Life Electronics in West Virginia;

An amendment by Mr. FLAKE regarding funding limitation on the Southwest Gas Corporation GEDAC heat pump development in Nevada;

An amendment by Mr. FLAKE regarding funding limitation on Virginia Science Museum;

An amendment by Mr. FLAKE regarding funding limitation on the Missouri Forest Foundation;

An amendment by Mr. FLAKE regarding funding limitation on the Juniata Ultra Low-Emission locomotive demonstration in Pennsylvania;

An amendment by Mr. FLAKE regarding funding limitation on the research and environment center at Mystic Aquarium in Connecticut.

Each such amendment may be offered only by the Member named in this request or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Energy and Water Development, and Related Agencies each

may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. OBEY. Madam Speaker, reserving the right to object, I would simply like to point out that if this unanimous consent agreement is accepted by the House, we are looking at at least 7 hours of time, not counting the votes that will be cast on these amendments, and if every single one of these amendments were pushed to a vote, you would be adding another 3 hours to the debate time.

So I would ask Members to recognize that perhaps it isn't crucial to have the House learn as much as it will learn in a 5-minute discussion on some of these amendments, and I would hope that Members would withhold on some of them so that we can focus on the major matters before the House and not deal with this at some time around midnight.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 832 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5427.

□ 1539

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5427) making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes, with Mr. GUTKNECHT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, all time for general debate had expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

Pursuant to the order of the House of today, no amendment to the bill may be offered except those specified in the previous order of the House of today, which is at the desk.

The Clerk will read.

The Clerk read as follows:

H.R. 5427

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007, for energy and water development and for other purposes, namely:

TITLE I

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, shore protection and storm damage reduction, aquatic ecosystem restoration, and related purposes.

AMENDMENT OFFERED BY MR. VISCLOSKY

Mr. VISCLOSKY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. VISCLOSKY:

Page 2, line 20, strike "\$128,000,000" and insert "\$132,000,000".

Page 3, line 12, strike "\$1,947,171,000" and insert "\$2,175,171,000".

Page 6, line 10, strike "\$2,195,471,000" and insert "\$2,213,471,000".

Page 6, line 14, strike "\$297,043,000" and insert "\$306,043,000".

Page 7, line 3, strike "\$141,113,000" and insert "\$150,113,000".

Page 21, line 5, strike "\$2,025,527,000" and insert "\$2,525,527,000".

Page 21, line 6, before the period, insert the following: ", of which not less than \$150,000,000 shall be for funding new advanced energy research".

Page 22, line 1, strike "\$558,204,000" and insert "\$808,204,000".

Page 22, line 2, strike "\$54,000,000" and insert "\$80,000,000".

Page 22, line 13, strike "\$36,400,000" and insert "\$200,400,000".

At the end of title V, insert the following: SEC. _____. In the case of taxpayers with income in excess of \$1,000,000, for the calendar year beginning in 2007, the amount of tax reduction resulting from enactment of Public Law 107-16, Public Law 108-27 and Public Law 108-311 shall be reduced by 2.42 percent.

Mr. HOBSON. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Indiana (Mr. VISCLOSKY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the recognition and would explain the amendment to the membership. As I indicated in my opening remarks, I fully support the committee's bill. The chairman and members of the committee have done an excellent job. But we do not have the sufficient resources represented in the legislation.

My amendment would provide \$1 billion additional, \$750 million of which

would be dedicated to programs at the Department of Energy, \$250 million of which would be dedicated to water projects throughout the United States of America.

As I mentioned in my statement to the full committee when this legislation was being considered, when John Kennedy was President of the United States, almost 70 cents out of every \$1 spent by the Federal Government was appropriated by the Appropriations Committee, and we made an investment in our economic infrastructure. We made an investment in our society. We made an investment in our future.

Today, less than 30 cents out of every \$1 spent by the Federal Government is appropriated dollars, and we are failing in that investment responsibility.

The amendment I would offer would enhance the quality of the bill before us by doubling funding for biofuels and biorefineries. It would provide for clean coal programs. It would restore funding for petroleum, natural gas, geothermal technology programs, increase support for developing a full range of conservation technologies and help weatherize an additional 30,000 homes next year to provide immediate energy savings. We would also again provide \$250 million to accelerate needed programs for flood control measures and also operation and maintenance.

I also believe that, unfairly, we have borrowed too much too long in this country and have burdened the next generation with the cost of that borrowing, and therefore, the amendment would be paid for by reducing the tax cut provided to the wealthiest in society in 2001, so that the amendment is also paid for.

I do think we need to make an investment in this society, and my amendment would do so. I would hope that the point of order is not sustained.

Mr. Chairman, I reserve the balance of my time.

POINT OF ORDER

Mr. HOBSON. Mr. Chairman, I make a point of order against the amendment because it proposes a change to existing law and constitutes legislation in an appropriations bill, and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: An amendment to a general appropriations bill shall not be in order if changing existing law. The amendment does change the existing law.

Therefore, I ask for a ruling from the Chair.

The CHAIRMAN. Does any Member care to be heard on the point of order?

If not, the Chair finds that the amendment changes the application of existing law by varying a rate of taxation. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, yesterday, we spent an inordinate amount of time focusing

on a few relatively tiny earmarks on the agriculture appropriations bill and spent almost no time discussing whether or not that bill was adequate in responding to the needs of rural America. Today, we are going to be debating the shape and nature of some of these individual programs, but we are likely, except for the Visclosky amendment, never likely to really discuss the adequacy of this bill in terms of the challenges that lie before the Nation. So I want to take just a moment to express my regret that the majority felt it necessary to strike the Visclosky amendment on a point of order.

We have been drifting aimlessly on energy policy ever since President Carter left office, as Mr. VISCLOSKY pointed out last night. In a variety of program categories, when we are discussing (energy and conservation research, renewable research, fossil fuel research and energy conservation) we are funding these efforts at levels that range from one-quarter to one-half in real-dollar terms of what we were funding those same efforts when Jimmy Carter was President.

□ 1545

As a result of that two decade or more drift, we as a society today are extremely vulnerable to higher energy prices, and especially higher gas prices. The Visclosky Amendment was an attempt to, at least for a few moments on the debate on this bill, focus on the adequacy of our effort.

No one faults the gentleman from Ohio for the job he has done in allocating what resources are available. But the fact is, if we are really serious, if we were really serious about meeting the flood control needs of the country, if we were really serious about meeting the energy conservation and energy development needs of this country, we would be putting those items first.

We would be putting an extra billion dollars into those items, rather than providing super-sized tax cuts to people who make \$1 million or more a year. The Visclosky Amendment would have simply asked that we cut back by \$2,000 per taxpayer the size of the tax cuts going to people who make \$1 million or more a year.

The tax bill that this House passed 2 weeks ago provided over \$40 billion in additional tax cuts to people who make over \$1 million a year. We would have simply taken \$1 billion of that \$40 billion and transferred it from tax cuts for the most privileged among us to investments in flood control, to investments in the kind of energy promises that Mr. VISCLOSKY was talking about today.

It is regrettable that this House does not see fit to put first things first by passing an amendment such as the Visclosky Amendment. I simply wanted to take the time to express that thought.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to

river and harbor, flood control, shore protection and storm damage reduction, aquatic ecosystem restoration, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction, \$128,000,000, to remain available until expended: *Provided*, That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended in accordance with the terms and conditions specified in the report accompanying this Act.

CONSTRUCTION

(INCLUDING RESCISSION)

For expenses necessary for the construction of river and harbor, flood control, shore protection and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); \$1,947,171,000, to remain available until expended; of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, to cover one-half of the costs of construction and rehabilitation of inland waterways projects; and of which \$8,000,000 shall be exclusively for projects and activities authorized under section 107 of the River and Harbor Act of 1960; and of which \$2,000,000 shall be exclusively for projects and activities authorized under section 103 of the River and Harbor Act of 1962; and of which \$29,933,000 shall be exclusively available for projects and activities authorized under section 205 of the Flood Control Act of 1948; and of which \$15,000,000 shall be exclusively for projects and activities authorized under section 14 of the Flood Control Act of 1946; and of which \$25,000,000 shall be exclusively for projects and activities authorized under section 1135 of the Water Resources Development Act of 1986; and of which \$25,000,000 shall be exclusively for projects and activities authorized under section 206 of the Water Resources Development Act of 1996; and of which \$2,500,000 shall be for projects and activities authorized under section 111 of the River and Harbor Act of 1968; and of which \$5,000,000 shall be for projects and activities authorized under section 204 of the Water Resources Act of 1992: *Provided*, That \$35,000,000 shall be available for projects and activities authorized under 16 U.S.C. 410-r-8: *Provided further*, That, of the funds provided under the heading "Construction" in title I of Public Law 109-103, \$56,046,000 is rescinded, to be derived from the unobligated balances of the amounts made available for the following projects in Louisiana: Grand Isle and Vicinity, Lake Pontchartrain and Vicinity, Larose to Golden Meadow, New Orleans to Venice, Southeast Louisiana, and West Bank and Vicinity: *Provided further*, That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended in accordance with the terms and conditions specified in the report accompanying this Act.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for the program for the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, \$290,607,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund: *Provided*, That, except

as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended in accordance with the terms and conditions specified in the report accompanying this Act.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law, including the construction of facilities, projects, or features (including islands and wetlands) to use materials dredged during Federal navigation maintenance activities; the mitigation of impacts on shorelines resulting from Federal navigation operation and maintenance activities; the benefit of federally listed species to address the effects of any civil works project under the jurisdiction of the Corps on any such species on project land within the watershed or operational reach of the project; providing security for infrastructure owned and operated by, or on behalf of, the Corps, including administrative buildings and facilities, and laboratories; the maintenance of harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; and surveys and charting of northern and northwestern lakes and connecting waters, clearing and straightening channels, and removal of obstructions to navigation, \$2,195,471,000, to remain available until expended, of which \$45,078,000 shall be for projects and activities in Region 1 New England; of which \$143,250,000 shall be for projects and activities in Region 2 Mid Atlantic; of which \$297,043,000 shall be for projects and activities in Region 3 South Atlantic Gulf; of which \$101,407,000 shall be for projects and activities in Region 4 Great Lakes; of which \$252,886,000 shall be for projects and activities in Region 5 Ohio; of which \$21,301,000 shall be for projects and activities in Region 6 Tennessee; of which \$233,803,000 shall be for projects and activities in Region 7 Upper Mississippi; of which \$147,021,000 shall be for projects and activities in Region 8 Lower Mississippi; of which \$2,999,000 shall be for projects and activities in Region 9 Souris-Red-Rainy; of which \$151,180,000 shall be for projects and activities in Region 10 Missouri; of which \$178,084,000 shall be for projects and activities in Region 11 Arkansas-White-Red; of which \$141,113,000 shall be for projects and activities in Region 12 Texas-Gulf; of which \$10,209,000 shall be for projects and activities in Region 13 Rio Grande; of which \$722,000 shall be for projects and activities in Region 14 Upper Colorado; of which \$3,327,000 shall be for projects and activities in Region 15 Lower Colorado; of which \$761,000 shall be for projects and activities in Region 16 Great Basin; of which \$242,593,000 shall be for projects and activities in Region 17 Pacific Northwest; of which \$102,461,000 shall be for projects and activities in Region 18 California; of which \$22,204,000 shall be for projects and activities in Region 19 Alaska; of which \$1,995,000 shall be for projects and activities in Region 20 Hawaii; of which \$4,000,000 shall be for projects and activities in Region 21 Caribbean; of which such sums as are necessary to cover the Federal share of eligible operations and maintenance shall be derived from the Harbor Maintenance Trust Fund of which such sums as become available from the special account for the Corps established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-6a(i)), shall be used for resource protection, research, interpretation, and maintenance activities related to resource protection in areas operated by the Corps at which outdoor recreation is available; and of

which such sums as become available under section 217 of the Water Resources Development Act of 1996, Public Law 104-303, shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which fees have been collected: *Provided*, That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended in accordance with the terms and conditions specified in the report accompanying this Act.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, \$173,000,000, to remain available until expended.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, \$130,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to flood and hurricane emergencies, as authorized by law, \$32,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related civil works functions in the headquarters of the United States Army Corps of Engineers, the offices of the Division Engineers, the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, \$142,100,000, to remain available until expended: *Provided*, That no part of any other appropriation provided in title I of this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the offices of the Division Engineers: *Provided further*, That, of the funds provided under this heading, \$10,000,000 shall be transferred to "Operation and Maintenance" upon the expiration of the 30-day period following the date of enactment of this Act if, during such period, the Secretary of the Army has not submitted to the Committees on Appropriations of the House of Representatives and the Senate a report summarizing outstanding reprogramming commitments of the Corps of Engineers for fiscal years 2000 through 2006 on a project by project basis.

OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)

For expenses necessary for the Office of Assistant Secretary of the Army (Civil Works), as authorized by 10 U.S.C. 3016(b)(3), \$1,500,000: *Provided*, That, of the funds provided under this heading, \$1,000,000 shall be transferred to "Operation and Maintenance" upon the expiration of the 30-day period following the date of enactment of this Act if, during such period, the Secretary of the Army has not submitted to the Committees on Appropriations of the House of Representatives and the Senate a report summarizing outstanding reprogramming commitments of the Corps of Engineers for fiscal years 2000 through 2006 on a project by project basis.

ADMINISTRATIVE PROVISION

Appropriations in this title shall be available for official reception and representation expenses not to exceed \$5,000; and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for

purchase not to exceed 100 for replacement only and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) None of the funds provided in title I of this Act shall be available for obligation or expenditure through a reprogramming of funds that—

- (1) creates or initiates a new program, project, or activity;
- (2) eliminates a program, project, or activity;
- (3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act;
- (4) reduces funds that are directed to be used for a specific program, project, or activity by this Act;
- (5) increases funds for any program, project, or activity by more than \$2,000,000 or 25 percent, whichever is less; or
- (6) reduces funds for any program, project, or activity by more than \$2,000,000 or 25 percent, whichever is less.

(b) Subsection (a)(1) shall not apply to any project or activity authorized under section 205 of the Flood Control Act of 1948; section 14 of the Flood Control Act of 1946; section 208 of the Flood Control Act of 1954; section 107 of the River and Harbor Act of 1960; section 103 of the River and Harbor Act of 1962; section 111 of the River and Harbor Act of 1968; section 1135 of the Water Resources Development Act of 1986; section 206 of the Water Resources Development Act of 1996; sections 204 and 207 of the Water Resources Development Act of 1992 or section 933 of the Water Resources Development Act of 1986.

Mr. VISCLOSKEY. Mr. Chairman, I move to strike the last word, and I yield such time as he may consume to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Chairman, I thank the ranking member and thank the chairman, Mr. HOBSON, for providing me this opportunity to speak on a matter of great importance to my district.

The budget recommended by the committee provides for only \$90.6 million for the Defense Environmental Cleanup at Los Alamos National Laboratories. While it is important to note that this amount is equal to the President's budget request, it is more than \$50 million less than the amount enacted for this purpose in fiscal year 2006.

Mr. Chairman, I am gravely concerned that this funding level will seriously impede cleanup efforts at the Los Alamos National Laboratory. Less than a year ago, the State of New Mexico, the Department of Energy and the University of California signed an historic fence-to-fence cleanup order. This year's cut reduces funding to only 30 percent of what is called for in this order.

Not only must this cleanup be undertaken to protect the health of New Mexicans, but the order of consent is a legally enforceable document. It is my understanding that the DOE will face significant penalties for noncompliance to this agreement.

Mr. Chairman, in 1 week, the Los Alamos National Laboratories will enter a new era when the new management team comes into place. I feel that we

should take advantage of this positive momentum and keep LANL moving in the right direction by showing that it is a responsible and conscientious neighbor to the residents of New Mexico.

Mr. Chairman, the order of consent was the result of years of negotiations; and it provides clear guidance for how to proceed with the cleanup. Lack of funding leaves New Mexicans, LANL and potentially the DOE in jeopardy.

I hope that an adequate funding level for the Defense Environmental Cleanup account for the Los Alamos National Laboratories is restored in conference.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

SEC. 102. Notwithstanding any other provision of law, the requirements regarding the use of continuing contracts under the authority of section 206 of the Water Resources Development Act of 1999 (33 U.S.C. 2331) shall apply only to projects funded under the Operation and Maintenance account and the Operation and Maintenance subaccount of the Flood Control, Mississippi River and Tributaries account.

POINT OF ORDER

Mr. BOUSTANY. Mr. Chairman, I raise a point of order against section 102.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BOUSTANY. Mr. Chairman, this provision violates clause 2 of rule XXI. It changes existing law and therefore constitutes legislating on an appropriation bill in violation of House rules.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. HOBSON. Mr. Chairman, section 202 of WRDA 1999 requires the use of continuing contracts. When the corps decides to move forward on a project, it must use a continuing contract.

You need multi-year contracting authority. Without it, the corps would be in anti-deficiency. This permits the corps to obligate the Federal Government in future fiscal years priority appropriations. The out-year costs of continuing contracts are not fully budgeted.

This is an irresponsible use of continuing contracts; and, frankly, something has got to be done. If the authorizers will not do it, then the Appropriations Committee will.

There are instances where continuing contracts make sense, but the corps, not the contractor, needs to control the spending rate. It must be no more than is available to the project.

We requested the GAO review the corps' use of this mechanism, and early findings are similar to the reprogramming report of last year. The corps has made the use of this contract provision the rule rather than the exception.

The corps cannot reliably account for the contracts currently in place. As a result, the House report directs the corps to secure the services of a national accounting firm to audit and account for all existing contracts and contain this clause and the out-year commitments required to meet these obligations.

The problem you have here is that the corps enters into these contracts, they don't control what the funding level is, and then they take money from another project and put it over there. Then they can't fund that one, all because of this provision.

We have tried to get the committee of authorization to handle this matter. They haven't. So what we have to do, and I know you will sustain his point of order, but it is not the proper thing to do, then we are going to have to go and put it back in the bill, do it for another year, because we can't get the authorizers to get into the reprogramming, which is affecting the corps and causes increased costs to the corps.

So while I disagree with the gentleman, I understand the technicalities of this. But sometimes we are able to work these things out with committees so for the good of the country we move forward. Apparently, they want to continue this. I have no other way of dealing with this than to argue about it. And then I will have to stick it back in until we get some responsible response from the corps on this matter and save money, I might add.

The CHAIRMAN. Does anyone other Member wish to be heard on the point of order? Then the Chair is prepared to rule.

The Chair finds that this section explicitly supersedes existing law. The section therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and this section is stricken from the bill.

Mr. HOBSON. Mr. Chairman, I move to strike the last word to enter into a colloquy with Mrs. BIGGERT.

Mr. Chairman, I yield to the gentlewoman from Illinois.

Mrs. BIGGERT. Mr. Chairman, I thank the chairman for yielding to me.

I know that the chairman shares my interest in protecting the Great Lakes from aquatic invasive species like the Asian carp. I appreciate his past support for efforts by the Army Corps of Engineers to construct, operate and maintain a system of dispersal barriers.

Located on the Chicago Ship and Sanitary Canal, the only link between the Great Lakes and the Mississippi River ecosystems, these barriers are underwater, invisible electric fences that repulse fish.

As the chairman knows, the corps has encountered some obstacles, both in terms of funding and authority, to completing construction of the permanent barrier. At the same time, funding for the corps to operate the original demonstration barrier is limited.

It is up to Congress to provide the funding for the corps to complete construction and testing of the permanent barrier and to operate and maintain the original demonstration barrier while the corps completes the construction and testing. If we fail to do so, we will leave the corps without any tools to protect the Great Lakes from

the Asian carp and other invasive species.

This is why I would ask the chairman to do any and everything possible in conference to ensure that the corps has the resources it needs to maintain some barrier to the threat of the fast-approaching Asian carp and other invasive species.

Mr. HOBSON. Mr. Chairman, I share the concerns of my colleague from Illinois, especially since I am from Ohio and we have the Great Lakes. That is why I commit to revisiting in conference the issue of funding for the demonstration barrier in fiscal year 2007.

If Congress were to appropriate the necessary funds, I believe the corps has the authority to operate and maintain the demonstration barrier. Continued operation of this demonstration barrier may very well be necessary if some outstanding authorization issues are not resolved and the corps is unable to complete construction of the permanent barrier next year.

Should those authorization issues be addressed before the conference on this bill is complete, I am open to providing the corps with the additional resources it needs to complete construction and testing of the permanent barrier.

Mr. Chairman, I agree that we need permanent, redundant protection against the spread of the aquatic invasive species between the Great Lakes and Mississippi River basins. I commit to the gentlewoman from Illinois and the rest of our Great Lake colleagues, including my ranking member from Indiana, and we will both, I believe, work in conference to address the issue of protecting the Great Lakes from invasive species like the Asian carp.

Mrs. BIGGERT. Mr. Chairman, I thank the chairman for his commitment. I look forward to working with him and the ranking member to ensure that every precaution is taken to protect the Great Lakes from such a harmful species as the Asian carp.

Mr. HOBSON. Mr. Chairman, I would yield any remaining time I have to my ranking member.

Mr. VISCLOSKEY. I appreciate the Chair rising, and I appreciate his concern which he has continually expressed to me on this issue, and also I would want to be heard because I absolutely agree with the position the gentlewoman has taken.

Asian carp have been found in the Illinois River, which connects the Mississippi River to Lake Michigan. To prevent the carp from entering the Great Lakes, the U.S. Army Corps of Engineers, the EPA and State of Illinois, the International Joint Commission and others are working together and have installed a permanent electric barrier between the fish and Lake Michigan.

Unfortunately, the first barrier or nonpermanent barrier has been shut down. I believe we should keep both open and running. However, the fix

would be legislating on an appropriations bill and would not be appropriate at this point.

Mr. Chairman, I do join the chairman and fully support the gentlewoman's intent to solve this problem. I appreciate your bringing it again to our attention.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

SEC. 103. None of the funds made available in title I of this Act may be used to award any continuing contract or to make modifications to any existing continuing contract that commits an amount for a project in excess of the amount appropriated for such project pursuant to this Act: *Provided*, That the amounts appropriated in this Act may be modified pursuant to the authorities provided in section 101 of this Act or through the application of unobligated balances for such project.

SEC. 104. None of the funds provided in this Act may be expended by the Secretary of the Army to construct the Port Jersey element of the New York and New Jersey Harbor or to reimburse the local sponsor for the construction of the Port Jersey element until commitments for construction of container handling facilities are obtained from the non-Federal sponsor for a second user along the Port Jersey element.

SEC. 105. (a) None of the funds provided in this Act shall be available for operation and maritime maintenance of the hopper dredge McFarland.

(b) Subsection (a) shall not apply to funds required for the decommissioning of the vessel.

SEC. 106. None of the funds provided in this Act may be expended to prevent or limit any reprogramming of funds for a project to be carried out by the Corps of Engineers, based on whether the project was included by the President in the budget transmitted under section 1105(a) of title 31, United States Code, or is otherwise proposed by the President or considered part of the budget by the Office of Management and Budget.

SEC. 107. None of the funds provided in this Act may be used to repay the Department of Treasury's Judgment Fund for past judgments against the United States on Civil Works contracts and real estate acquisitions that have been financed by the Judgment Fund.

SEC. 108. None of the funds provided in this Act may be used to implement an A-76 study or similar privatization process for Corps personnel employed to operate or maintain locks and dams.

SEC. 109. None of the funds in this Act may be used to further work on the Corps of Engineers proposal to remove a section of the dam for fish passage or to study other alternatives to the trap and haul facility at Elk Creek Dam, Oregon.

SEC. 110. None of the funds made available under this Act may be used to revise the master control plans and master manuals of the Corps of Engineers for the Alabama, Coosa, Tallapoosa River basin in Alabama and Georgia or the Apalachicola, Chattahoochee, Flint River Basin in Alabama, Georgia, and Florida.

□ 1600

AMENDMENT NO. 1 OFFERED BY MR. DEAL OF GEORGIA

Mr. DEAL of Georgia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. DEAL of Georgia:

Page 14, strike lines 12 through 17.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Georgia (Mr. DEAL) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. DEAL of Georgia. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, it is with reluctance that I come today because this is a matter that we would rather not have to deal with on this floor. It relates to the limiting language that was placed in the bill by way of a manager's amendment that was not debated in the subcommittee but was inserted prior to the full committee and taken by voice vote.

It relates to the restrictive language that does not allow the Corps of Engineers to upgrade its master plans and water control plans. The bottom line of this is that this is involved in litigation that has been going on at least since 1990 in the Federal courts. Most recently, the Federal courts have ordered by virtue of a decree in the District of Columbia District Court that the Corps of Engineers is to proceed with its NEPA studies. This relates to the water usage along two major river corridors that originate in the State of Georgia and also, of course, supply water into Alabama and Florida.

We believe that we should not as a Congress interfere with the actions between States that are in litigation. The courts have actually spoken on the issue. We think they should be allowed to proceed with the actions they have directed the corps to take and that Congress should not inject itself into this matter.

Mr. Chairman, I reserve the balance of my time.

Mr. EVERETT. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIRMAN (Mr. McHUGH). The gentleman from Alabama is recognized for 10 minutes.

Mr. EVERETT. Mr. Chairman, I yield 5 minutes to Mr. BOYD of Florida for purposes of control.

The Acting CHAIRMAN. Without objection, the gentleman from Florida will be recognized for 5 minutes.

There was no objection.

Mr. EVERETT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Georgia. The amendment would strike a much needed provision that would prohibit the Army Corps of Engineers from revising the manuals which govern the water distribution rights of Alabama, Florida and Georgia regarding the Alabama, Coosa, Tallapoosa, Apalachicola, Chattahoochee and Flint River Basin. This matter is still in Federal court, and the court's decision to revise the manuals is opposed by both the Governors of Alabama and Florida.

In addition, such an action would create severe distress in Alabama's waterways, harming both navigation and power production. In light of the ongoing Federal litigation, it is inappropriate for the courts to proceed with such revision of the manuals at this time.

Mr. Chairman, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Chairman, I rise to support the Deal amendment. It is very important to our State of Georgia. Georgia is one of the fastest growing States in this region, and because of this growth, we certainly need to make sure that we have this detrimental language, that would be very detrimental to Georgia, out of this bill.

The manuals have not been updated for 50 years. Common sense would say that the corps is not operating based on the current situation in the area but on outdated population and outdated environmental information that was generated back in the 1950s. It is most important for my people that we have updated information, and that is why it is important for Mr. DEAL's amendment to pass.

These old, out-of-date manuals will result in a greatly increased cost of growth, inefficient and unpredictable operation of the river system, and will result in unstable water supplies for the municipalities, for the households and the businesses throughout our State of Georgia.

Moreover, Mr. Chairman, for the last 15 years, the States of Georgia, Florida and Alabama have been engaged in litigation and mediation on this issue and much progress has indeed been made. But by placing this provision in the bill, Congress is now inserting itself into a situation that is best left for the State and the local entities to resolve.

Therefore, I respectfully ask my colleagues to support the Deal amendment and let us move this offensive language out of the bill and move forward in the best interests of the entire region and certainly for the people of Georgia.

Mr. BOYD. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I want to thank my friend, Mr. EVERETT, and also Chairman HOBSON and Ranking Member VIS-CLOSKY for including this language in there.

Just to try to give the Members a brief history: In the 1990s, this Congress set up a compact that existed between Alabama, Georgia and Florida to try to resolve this water usage issue, and those negotiations were guided by the Army Corps of Engineers. Those States were unable to come together with their leadership to resolve this issue, and so matters reverted back into the courts.

It would be completely inappropriate, Mr. Chairman, for the Army Corps of Engineers to take this step,

and it would disadvantage Florida and Alabama significantly in this litigation.

Now, the bottom of that system, that ACF system, is Apalachicola Bay, and our interests are purely the life and health of that bay and the life and health of the environmental system up in that Apalachicola Basin. If these rulings come out wrong and are disadvantaged by the Army Corps of Engineers' intervention, then you would have a situation where there would be some extremely harmful environmental damage done. So I would respectfully submit to the Members of this body that we reject the Deal amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Chairman, I would like to express my support for the striking amendment offered by my fellow Georgian and friend, Congressman DEAL.

Section 110 would prevent the Corps of Engineers from moving forward with their revision of the master control plans and master manuals for the Alabama, Coosa, Tallapoosa River Basin in Alabama and Georgia or the Apalachicola, Chattahoochee, Flint River Basin in Alabama, Georgia and Florida.

These control plans are essential to the corps' management of water resources in our region, not only to ensure equitable distribution of water resources but also to prevent flooding and preserve critical water infrastructure for the people of our region.

Mr. Chairman, these master control plans have not been updated since the 1950s. In the 50-plus years since the last update, our region and its water needs have fundamentally changed, and these changes must be accounted for, not only as a matter of equity but as a matter of safety. Specifically, FEMA is investing heavily in revising the flood plain maps. This is necessary due to the overwhelming growth, not just in my State of Georgia but also in Alabama.

The population explosion in the Southeast requires that the flood characteristics of the watersheds be updated as soon as possible. And delaying the update of the master control plan would delay the court-ordered implementation of the D.C. settlement agreement. Any further delay is bad policy for the regional economy, and it is a safety risk for our residents.

Section 110 is ill-conceived. I urge my colleagues to support the amendment to strike this language from the bill.

Mr. EVERETT. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, I thank the gentleman. I think Members back in their offices ought to know this, and this is a longstanding dispute between the States of Florida, Alabama and Georgia. What this amendment does is

authorize \$15 million or as much as \$15 million to be spent by the Corps of Engineers to revise their manuals to try to interject their decisions into what is in court today.

The court proceedings are still going on. They are on appeal. And they are not only going to affect our three States, they are going to affect everybody who eats oysters because, as Mr. BOYD said, 90 percent of the oysters come out of the basin at the bottom of the Apalachicola River. These things do not need to be decided; the purity of that water in that basin or in those seven rivers does not need to be decided on the floor of the House by people who do not know what the right decision is that ought to be made.

It ought to be made in the courts in the deliberative process and not by some bureaucrat or not by Congressmen or -women who do not understand the issues involved. I urge a "no" vote.

Mr. BOYD. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Chairman, this is a very simple issue. We have ongoing litigation in the courts. There are hearings being held. There is discovery being conducted. And most of us who have conservative impulses on both sides of the aisle think the Constitution means something and the separation of powers means something, and the courts ought to finish their process.

For the executive branch to come in and take a side in this dispute is disrespectful to the balance of power in the Constitution. There is a dispute that is going on that may have merit on both sides, but let the litigation play itself out. If this can happen in this instance, there is no possible controversy involving the Army Corps of Engineers where there is not a possibility of the executive branch inserting itself in the judicial. That is why I stand in strong opposition to the Deal amendment today, and I urge my colleagues to follow course.

Mr. DEAL of Georgia. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. MARSHALL).

Mr. MARSHALL. Mr. Chairman, this is really pretty simple, and I am kind of amazed to hear Mr. BACHUS and my good friend from Alabama, Mr. DAVIS, say that Congress ought not to be intervening, that this is a judicial matter, because that is exactly what it is. And that is exactly what Congress is proposing to do right now, and it is very inappropriate.

The question whether or not the corps should conduct this study was submitted to the court. The court ruled against Alabama. Alabama and Florida do not like that decision. All three parties had their day in court on whether or not the corps should proceed with the study. Now Alabama and Florida are running to Congress trying to get Congress to intervene in a way that, frankly, Mr. BACHUS and Mr. DAVIS both say would be inappropriate.

I agree with that. It is inappropriate for Congress to intervene in a court proceeding where the court has specifically approved something. And the court has approved the corps moving forward with its study. For the Congress not to approve the Deal amendment is for Congress to intervene inappropriately in an ongoing court proceeding. Congress should not do that. It has not done it in the past.

Mr. EVERETT. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Chairman, I rise today in opposition to this proposed amendment by the gentleman from Georgia.

We all sympathize with the needs of the water resources that each State has, but we feel the language in the bill is necessary as it is written to prevent the Corps of Engineers from interfering in litigation which is meant to allocate those resources in a fair way among the States of Alabama, Georgia and Florida.

Mr. Chairman, let me say, if the manuals are revised and are allowed to go forward, it is our belief that it will cause great harm to the State of Alabama. We will have real concerns over inadequate water for drinking, power generation, navigation, recreation and wildlife. For this reason, it is essential that all three States come to a mutual, equitable water-sharing agreement.

We do not believe it is appropriate for the Corps of Engineers to unilaterally step in and to create water distribution without the approval of all three States. With all due respect to Mr. DEAL's concern, I must ask for a "no" vote on this amendment.

□ 1615

The Acting CHAIRMAN. For the information of the Committee, the gentleman from Georgia (Mr. DEAL) has 5 minutes remaining, the gentleman from Alabama (Mr. EVERETT) has 2 minutes remaining, and the gentleman from Florida (Mr. BOYD) has 2½ minutes remaining.

Mr. DEAL of Georgia. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. BISHOP), my colleague.

Mr. BISHOP of Georgia. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Deal amendment. I think it is appropriate that the Congress not interfere, and what this bill will do without the Deal amendment is allow the Congress to interfere with ongoing litigation.

This case has been litigated in the district courts in Alabama, the United States District Court in the District of Columbia, and the 11th Circuit Court of Appeals has rejected the claims of Florida and Alabama and has ruled in favor of Georgia. We would like very much for this Congress not to intercede and to interfere with the implementation of that court's order by violating the separation of powers and trying to hold back the Corps of Engineers

through the appropriations process and preventing them from executing their duties under law.

So I think that the Deal amendment is highly appropriate. It keeps this Congress on track in its constitutional duties, and it preserves the separation of powers. I urge the adoption of the Deal amendment.

Mr. BOYD. Mr. Chairman, I yield 1½ minutes to the gentleman from Alabama (Mr. CRAMER).

Mr. CRAMER. Mr. Chairman, I thank my friend from Florida; and I want to say to my colleagues, while this sounds like a complicated issue, this really is not a complicated issue.

I rise in strong opposition of the Deal amendment; and, first, I want to congratulate the chairman and the ranking member of this subcommittee and say that the language that you have put in this bill is fair. What we are after here today in Alabama and in Florida and in those other States as well is fairness.

What we want is the opportunity to settle this dispute. We are in court. The court knows that we have been in court. The corps comes in with a last-minute attempt to revise their manual, asking for money to do that at the same time that the court is taking this very issue up.

That is not the way to do it right now. The President's budget did not include money for this. The chairman and the ranking member saw fit, in fairness to both sides, to keep this language in here.

So what we are asking today is defeat the Deal amendment and support the base bill itself.

If current conditions are used by the corps, if this amendment were to be allowed and current conditions are used to revise this manual, then that is being done at a time that would be of great disadvantage to the parties involved here.

So this issue is very critical to Alabama and to Florida. We must defeat the Deal amendment.

Mr. BOYD. Mr. Chairman, I yield my time back to the gentleman from Alabama (Mr. EVERETT).

The Acting CHAIRMAN. Without objection, the gentleman from Florida yields back his time to the gentleman from Alabama.

There was no objection.

Mr. EVERETT. Mr. Chairman, how much time does that give me?

The Acting CHAIRMAN. The gentleman from Alabama now has 3 minutes remaining. The gentleman from Georgia has 4 minutes remaining.

Mr. DEAL of Georgia. Mr. Chairman, that also includes the right to conclude; is that correct?

The Acting CHAIRMAN. That is correct.

Mr. DEAL of Georgia. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. NORWOOD), my colleague.

Mr. NORWOOD. Mr. Chairman, we need to pass the Deal amendment. We need to strike section 110 of this bill

that has been put in the bill at the last minute. That section is very, very simple that needs to be stricken. It prohibits the Corps of Engineers from updating the amount of water that counties in Georgia, Alabama and Florida can draw from the Corps of Engineers' lakes.

Now, the Corps of Engineers is simply doing what the Federal courts have told them. Someone says this is in court now. No, this is not in court now.

It is very clear. The corps will have to complete this NEPA process and was ordered to do so by the U.S. District Court of the District of Columbia as late as January 6, 2006, and it says do this as quickly as possible. The problem is we have not been able to work this out in the three States.

The second part of the problem is Alabama and Florida do not want the Corps of Engineers to work this out. Well, maybe they will be and maybe they will not, but we have to have a master plan. So says the law.

So support the Deal amendment.

Mr. DEAL of Georgia. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. PRICE), my colleague.

Mr. PRICE of Georgia. Mr. Chairman, there are some agreements here. One is that this is a long-standing discussion and battle and it is in ongoing litigation in the court. It is a battle between some States, but I do not know that there is not a whole lot of agreement.

Everybody says that we ought to let the courts decide, but those who are opposed to this amendment begin the double talk at that point.

If this amendment fails, the Corps of Engineers will not be able to follow the court order. On January 6 of this year, the D.C. court ordered the corps to undertake the NEPA process "as expeditiously as practicable." Section 110 that was put in the bill would not allow them to do so.

Curiously, Alabama informally requested that the judge stay the corps from proceeding with the NEPA analysis or updating the water control plans, but she refused to do so.

Alabama itself says let the courts decide, and we agree. Let the courts decide, not an amendment which was inserted into this bill without discussion.

By accepting the language in the Energy and Water Appropriations bill, Congress is inserting itself both into the three-State negotiation on State water rights and a legal issue which has been ongoing.

Support the Deal amendment.

Mr. DEAL of Georgia. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. KINGSTON), my colleague.

Mr. KINGSTON. Mr. Chairman, I thank the gentleman; and I just want to say that the Corps of Engineers has had water control plans in place for 50 years. The plans are guidelines so that everybody can kind of have some input and some feedback on what is working and what is not.

This is an area that is one of the fastest-growing parts of the United States

of America, and their own regulations that the corps has, they know they need to update them.

So what we are saying is let the system that is in place stay in place without Congress inserting language that pulls the rug out from under it. If this needs to be done on a congressional level, then let us do so with all the States' delegations together. Let us not have two States against one State. Let us all sit down and work out a legislative solution if a legislative solution is necessary. I do not think that it is right now.

I think that the best thing for us to do is to let the Corps of Engineers continue to work the process as it has been set up and as it is intended to do so.

Mr. EVERETT. Mr. Chairman, I yield the remainder of the time to the gentleman from Alabama (Mr. BONNER) to close our arguments.

Mr. BONNER. Mr. Chairman, I thank the gentleman from Alabama (Mr. EVERETT).

First of all, I would like to say that those of us from Alabama and Florida find ourselves in a strange position today. Because, normally, we speak with a similar accent when we talk with our fellow brothers and sisters from the great State of Georgia. But, like my other friends from the Alabama and Florida who have already spoken, I, too, rise today in opposition to the gentleman from Georgia's amendment and to support the underlying bill.

At the outset, I want to, first of all, join my other friends in thanking Chairman HOBSON, and the ranking member as well, for including this report language in the Energy and Water Appropriations bill.

Let the record note that the chairman took this action after Members from both the Alabama and Florida delegations made him aware of the fact that it appears that our friends from Georgia are trying to get the Army Corps of Engineers to update this master manual, which on the surface sounds like a very reasonable request. It probably does need to be updated, except for the fact that it would come at a time where it would be detrimental to the people of Alabama and the people of Florida, and it would occur at the very time that this decades-long dispute is being litigated in the Federal court.

Mr. Chairman, if the Army Corps of Engineers goes forward with their plans to update this manual before the court makes a final decision, then, in essence, the corps is picking a winner even before the court has had the chance to make a determination. That would be the same thing as a judge finding someone either innocent or guilty before all of the facts have been presented.

The process can and should work, but it cannot work if one Federal agency is going to choose sides and choose a winner over another.

Vote “no” on the Deal amendment and allow the taxpayers of Alabama and Florida to have their day in court.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. DEAL of Georgia. Mr. Chairman, I yield myself the remaining time.

I would share the respect that I have for my colleagues from Georgia and Florida. This is just one of those issues we have a disagreement on.

Let us set the record straight. Yes, there is ongoing litigation. It all started in modern times in 1990 when Alabama sued the Corps of Engineers in the Northern District of Alabama, certainly a favorable venue, and has proven to be favorable for them over the years.

At a later point in time, about 13 years later, a suit was instituted in the District of Columbia court. It is that court that has now resolved some of the issues and that court has issued an order, even though Florida and Alabama attempted to intervene to prevent that court order from going in effect.

On January 20, 2006, Judge James Robertson of the U.S. District Court of the District of Columbia ordered the corps to perform its obligations under the settlement agreement “as expeditiously as practicable.”

They then went back to the Alabama court where they filed suit in 1990. They asked that judge to intervene and to enjoin the operation of the District Court of Columbia. That judge did temporarily until she was overturned by a ruling of the 11th Circuit Court of Appeals, but they also asked that same judge if she would order the Corps of Engineers not to do the NEPA and the water plan update, and even that judge who has been a favorable venue refused to do so.

The reality is the court has ordered this to go forward. Congress should not inject itself into this issue.

And, yes, I compliment my friends from Alabama for outnumbering us on the Appropriations Committee and being able to put this in the bill, but I urge you to support the Deal amendment.

Mr. ROGERS of Alabama. Mr. Chairman, I rise today in opposition to the gentleman from Georgia's Amendment.

This provision, if enacted, would permit the Army Corps of Engineers to make an end-run around an ongoing Federal lawsuit.

It would reprogram already appropriated funds away important existing river projects.

It would also cause severe distress to Alabama's waterways, harming both navigation and power production.

The Corps of Engineers' manual on the A-C-T River Basin hasn't been revised since 1951.

This revision hasn't occurred even though nine dams, including four structures built by the Corps, have since been constructed in the A-C-T Basin.

Furthermore, the President's Fiscal Year 2007 budget request did not include a request for this action.

It is important to note that the entire Alabama delegation—along with members of the

Florida delegation—have been working with the Corps to resolve this issue.

The language included in this bill, if left intact, would simply allow the current litigation process to be completed.

And it would not allow funds appropriated for Fiscal Years 2006 or 2007 to be used to revise the A-C-T Basin manual.

I would like to associate myself with the remarks made by my colleague Congressman ADERHOLT, as well as the other members of the Alabama and Florida delegations in opposition to this amendment.

Mr. Chairman, I urge a “no” vote on this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. DEAL).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. BONNER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

Mr. HOBSON. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Chairman, I rise for the purpose of engaging in a brief colloquy with the chairman regarding funding for several recreation areas at two Virginia lakes managed by the U.S. Army Corps of Engineers. I commend the chairman and his staff for their hard work on this bill. Considering the budget constraints, they have crafted excellent legislation.

In response to what the Corps of Engineers has identified as low funding for Operations and Maintenance, the corps has announced plans to evaluate seven recreation sites for possible closure in 2007 at John H. Kerr Lake and Philpott Lake in Virginia. These recreation sites are of great importance to citizens in these areas, and their closure would net only a savings of \$97,000. There must be other ways for the corps to reform its procedures in order to reduce spending while keeping these recreation sites open to the public as camp grounds and picnic areas.

I hope that we can continue to work together to identify ways in which funding can be provided for these recreation areas either through additional funds that may become available in conference or through more appropriate reforms by the Corps of Engineers.

□ 1630

Mr. HOBSON. I understand the gentleman's concern and realize the importance of the Corps of Engineers' recreation sites to local communities. In a time of static budgets and aging infrastructure, we must work together to make our limited funding go further.

I commit to working with the gentleman from Virginia to review exist-

ing corps policies and funding to address this issue.

Mr. GOODE. Thank you, Mr. Chairman.

Mr. VISCLOSKEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana.

Mr. MELANCON. Mr. Chairman, what I have here today is a map of the gulf coast. It is not all-inclusive. JO BONNER knows that. But from Galveston Bay to Mobile Bay has been a total disaster, and I am from a district that concerns me about New Orleans, but we keep talking only about Katrina, and we keep talking only about New Orleans. I am not saying we shouldn't. I am here today to say that with these natural disasters that we have had and the help that you in the Congress have given us, it is tremendously appreciated; however, immediately following those storms, coming to Congress and asking for help and, in recent weeks, bringing amendments and asking for additional moneys to build levees, and we have not even gotten to the coastal restoration issue. We were told that maybe we needed to have the authorization first. We were told to put it in the regular appropriations bill.

We are here, and it didn't get into the regular appropriations bill. So I guess these projects in Cameron, LaFourche, Terrebonne, St. Charles and other parishes, inclusive of Plaquemines Parish, it was felt they should be excluded because there wasn't enough people to justify the cost. A place on the Gulf of Mexico that services the offshore oil industry and brings in 80 percent of the offshore oil through pipelines through that parish and provides another important aspect to its presence there, it is the levee or the breakwater or whatever you might want to call it, barrier island, that protects Mississippi under many circumstances from the storm surge.

So I am here today after asking for, I think the number was \$430 million, and having several of my friends say that is a lot of money, and then a week later, Mr. Powell came and asked for in excess of \$4 billion and then readjusted it down when they took Plaquemines Parish out, because there are lots of projects throughout south Louisiana that are necessary if we are going to protect the residents of that State. There are many projects in the southwest part of Louisiana where Rita has gone, the storm that is forgotten, the storm you hear no one talking about in Port Arthur, and in Texas, it was devastating also.

I want to say that I do appreciate this body and everything that it has done for New Orleans, but please remember that the rest of the gulf coast has been tremendously affected, and these people that keep the oil and gas industry in operation and produce the seafood for this country as well as run

the ports and export the goods and commodities from this Nation need additional help.

I thank the gentleman for allowing me the time.

Mr. VISCLOSKEY. Mr. Chairman, I appreciate the gentleman's concern and very good work.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, \$38,552,000, to remain available until expended, of which \$965,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, \$1,603,000, to remain available until expended.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES (INCLUDING TRANSFER OF FUNDS AND RESCISSION)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, \$849,122,000, to remain available until expended, of which \$57,298,000 shall be available for transfer to the Upper Colorado River Basin Fund and \$26,952,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which not more than \$500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 4601-6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: *Provided further*, That from unobligated balances made available under section 2507 of the Farm Security and Rural Investment Act of 2002 for the Bureau of Reclamation's At Risk Terminal Lakes Program, \$88,000,000 are rescinded: *Provided further*, That \$10,000,000 of

the funds provided herein shall be deposited in the San Gabriel Restoration Fund established by section 1110 of division B, title I of Public Law 106-554 as amended: *Provided further*, That of the sums provided herein, \$1,000,000 shall be used for assessing the feasibility of relocating the Highway 49 bridge, Auburn-Folsom South Unit of the Central Valley Project.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, \$41,478,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102-575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102-575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION (INCLUDING TRANSFER OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, Public Law 108-361, consistent with plans to be approved by the Secretary of the Interior, \$40,110,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided*, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further*, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: *Provided further*, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program: *Provided further*, That \$6,000,000 shall be transferred to the Army Corps of Engineers to carry out further study and analysis of the stability of the levee projects authorized under section 103(f)(3) of Public Law 108-361.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, \$58,069,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 14 passenger motor vehicles, of which 11 are for replacement only.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San

Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program-Alternative Repayment Plan" and the "SJVDP-Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 202. None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106-60.

Mr. HOBSON (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title II be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III

DEPARTMENT OF ENERGY ENERGY PROGRAMS

ENERGY SUPPLY AND CONSERVATION

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy supply and energy conservation activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$2,025,527,000, to remain available until September 30, 2009.

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY:

Page 21, line 5, after the dollar amount insert: "(reduced by \$40,000,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Ohio (Mr. HOBSON) each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in opposition to the Global Nuclear Energy Partnership receiving an additional \$40 million in this budget over what it received last year. It received \$80 million worth of taxpayers' dollars last year, and here we are seeing a 50 percent increase in the taxpayers' contribution to something that should be paid for by the private sector.

This is now one of the wealthiest, most successful, most profitable industries in the United States, the domestic nuclear energy industry. If there is any industry, apart from the oil and gas industry, that has no business being out here on the floor asking for handouts from the taxpayer at this time, then you have to put the nuclear industry at the top of the list.

And what is the essence of this Global Nuclear Energy Partnership? Well, sad to say, it is that we will cut deals with countries like Bulgaria, Egypt, Kazakhstan, Korea, on and on, where our private sector companies will be building nuclear power plants in those countries and returning the nuclear waste to the United States for reprocessing in our country. So on the one hand, the Congress is saying, well, we don't want any more immigrants from any of these countries, but send us your nuclear waste if an American company has been able to build nuclear power plants there and make a profit from it.

Well, ladies and gentlemen, it should not be the business of the House, of the people who represent hardworking taxpayers, to be handing over all this money to very wealthy industries. They are doing quite well, thank you. This is, once again, an example of an industry now 50 years old; this industry is like someone who is 50 years old still living at home with mom and dad and expecting mom and dad to continue to subsidize them; to give them a hand out.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Chairman, I appreciate the gentleman for yielding.

Boy, there is more rhetoric on this floor about GNEP and what is going on there than I have heard in quite some time. The fact is the Federal Government has the responsibility under the Nuclear Policy Act to take care of the byproduct of this stuff. Those people who use energy that is partly produced by nuclear energy have been paying a tax in order that the Federal Government would build a repository and finally take control of this. If you want the byproduct, the waste product of nuclear waste to be handled by private companies and have them in control of it, then I think you are asking for big problems.

For years, I have been asking the Federal Government, the Department

of Energy, to give us a vision of what they see as the future of energy development in this country and how we are going to supply the baseload needs in this country. GNEP is the first comprehensive forward-looking plan for nuclear energy development that I have seen come out of this or any administration in decades. It takes into consideration the entire fuel cycle, from the mining uranium to final disposition of spent fuel.

It will render civilian nuclear material unusable in nuclear weapons. I will repeat that: It will render civilian nuclear materials unusable in nuclear weapons. It will use much of the energy in the fuel rods that is left behind now. And GNEP promises to make Yucca Mountain the only repository our Nation will need for the final disposition of spent nuclear fuel.

If you believe that global warming is a problem, if you believe that we can't afford to shut down nuclear power plants today that contribute over 20 percent of our electricity, and I suspect much of it in Massachusetts, the gentleman's home State; if you believe that we can't shut that down and that it makes sense to provide our baseload with an emission-free type of energy, such as nuclear power, and if we don't pursue GNEP, then we better start looking and debating on this floor where we are going to put Yucca II, Yucca III, Yucca IV, and Yucca V, because that is what is going to happen.

The simple fact is, most Americans now support nuclear energy, and most Americans know that we can't meet our growing energy needs without it. I urge you to defeat this amendment.

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

The problem with this program is that the Department of Energy is only guessing about how much it is ultimately going to cost. Their range is from \$3 billion to \$6 billion just for a demonstration project, because it doesn't know the answers to the ultimate questions about cost, about feasibility, about the nuclear proliferation consequences. It doesn't know the answers to any of these questions.

But if, again, the nuclear industry wants to get back out on the road and start selling nuclear power plants around the globe, they should do it. Adam Smith is spinning in his grave so fast listening to this debate that he would qualify for a subsidy under this bill as a new electrical generating source. That is how bad this is.

This is a total violation of free market principles. There are no answers at all that you are providing, except that you want to stick your hand into the pockets of the American taxpayers, and it is just wrong.

Mr. HOBSON. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Chairman, I thank the chairman for yielding, and let me just say to the sponsor, who asserts that the reprocessing is too ex-

pensive and will add to the cost, that we don't know what the cost is.

My Subcommittee on Energy for the Science Committee has spent an entire hearing on the economics of reprocessing, and today it might be cheaper to mine and use enriched uranium, but the enrichment technology has had 30 years to develop. We stopped the process. President Carter stopped the process that is needed to treat and use all of the nuclear energy.

So, if anything, this concern only reinforces the need to increase the R&D on technologies for the back end of the fuel cycle in order to bring down the cost. We have got to have this process if we are going to have the energy needed for our children and grandchildren to live in this country. But we also have to look at taking the nuclear energy and using all of it by reprocessing and reestablishing that program.

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

You know, the problem with this whole debate is that, within the same bill, there is funding for Yucca Mountain in order to store all of the spent fuel that the nuclear industry has created here domestically. Yet they are coming in here saying, well, we need another solution to the same problem. We also need the taxpayers to subsidize ultimately \$3 billion, \$6 billion, which is just a demonstration project, and ultimately, \$20 billion, \$30 billion, \$40 billion or \$50 billion for reprocessing technology; two paid-for-by-the-taxpayer solutions to the same problem, even though Yucca Mountain is supposed to solve the problem.

Why is that? Because this program does what President Bush wants to do, which is to offer cradle-to-grave services for countries around the world. American companies will build nuclear power plants around the world, and then they will ship the nuclear waste to the United States. And by the way, this waste, when it is reprocessed, is the worst of all materials because it can be used for nuclear weapons but it is not too dangerous for terrorists to handle as a dirty bomb at the same time.

Mr. Chairman, I reserve the balance of my time.

□ 1645

Mr. HOBSON. Mr. Chairman, I yield 1 minute to my ranking member, the gentleman from Indiana (Mr. VISCLOSKEY).

Mr. VISCLOSKEY. Mr. Chairman, I rise in strong opposition to the amendment that has been offered by the gentleman from Massachusetts. He mentioned multiple solutions. The fact is we have a waste problem.

As I pointed out in my general remarks, last year the Congress voted again to move ahead to provide funds to pursue a competitive process for choosing sites for integrative reprocessing of spent nuclear fuel as well as interim storage. The fact is the chairman and I and the subcommittee are

committed to pursuing Yucca Mountain. That is not enough. If we are to have a nuclear industry and to have an investment in our energy future, we also have to examine options to reduce waste. That is what we are about.

I also believe that the subcommittee has taken a very thoughtful approach, and people have only to look at pages of committee report language that is very explicit in detail relative to the concerns and observations we have made relative to the GNEP proposal that the administration has put forth.

So we are trying to solve an energy problem dealing with our energy future. I would oppose the gentleman's amendment.

Mr. MARKEY. Mr. Chairman, I yield the balance of my time to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, I commend the chairman and the ranking member for the work they have done here, and I take small exception here because you have cut back the \$250 million the President requested. I think that is a good move, but this would simply level out the funding so that next year will have as much funding as this year.

If you go to the Savannah River Site in my State, you will see the K Reactor, on which we have spent close to \$2 billion, it never was operated again; the NPR, on which we spent \$40 million on the environmental impact statement; the MOX fuel facility, which is being abandoned today after millions were spent; and Agnes, where we trod down this road once before toward nuclear reprocessing and realized it was not the way to go.

And today more than ever, when we do not want to open up new nuclear processes which give rise to more fissile material, there are really legitimate doubts about this path.

I respect the course that the committee has taken, but slow it down. Let us take a closer look at this before we plunge headlong into something that could cost \$20 billion, \$30 billion, maybe \$40 billion before it comes to full fruition.

Mr. HOBSON. Mr. Chairman, I yield the balance of my time to the gentleman from Tennessee (Mr. WAMP), a member of the committee.

Mr. WAMP. Mr. Chairman, to review, the President of the United States rightly asked for \$250 million for GNEP to help us stand the nuclear industry back up in this country. Decades after Three Mile Island, we need energy independence. The committee did not have enough money, so we appropriated \$150 million at the subcommittee level. At the full committee, we accepted an amendment to reduce it to \$120 million, and now they are wanting to cut it further.

France understands, as an environmentally sensitive country, that in order to reduce greenhouse gas emissions, you have to use nuclear. Seventy percent of their electricity is generated from nuclear power in France.

They do not get it in Massachusetts, apparently. The gentleman from Massachusetts has fought nuclear in every capacity, every time it has come to the floor the entire 12 years that I have been here. That is what this is really about.

If his amendment stands, it would leave spent nuclear fuel at reactor sites in Massachusetts at five places: at Pilgrim 1; Yankee-Rowe; research reactors at MIT; the University of Massachusetts; and Worcester Polytechnic Institute.

Defeat the Markey amendment.

Mr. SPRATT. Mr. Chairman, I rise in support of the Markey amendment, which would cut \$40 million from the so-called GNEP, the Global Nuclear Energy Partnership.

GNEP is an exceedingly ambitious set of proposals. It runs the gamut, from expanding the use of nuclear power, to closing the loophole in the nuclear fuel cycle, to developing a new generation of advanced "fast" nuclear reactors. Among other things, it calls for restarting nuclear reprocessing, a risky venture abandoned by the Carter Administration in the 1970s out of cost and proliferation concerns. It moves us ahead before we know the long term costs or international implications. On issues of this consequence, we should tread lightly.

I have concerns over GNEP on several fronts. First, I am concerned about reprocessing of nuclear spent fuel, because it lends itself to the production of fissile material. On its face, the idea of reusing spent nuclear fuel sounds appealing. Proponents point out that we only use 3–5 percent of nuclear fuel in the first reaction. They claim that reprocessing will allow us to recycle spent fuel and capture the untapped tap energy potential. But recycling nuclear fuel is not so easy, and there is a limit to the number of times you can put a fuel rod through reprocessing before fission by-products make additional recycling impractical. So, the amount of reusable energy that the process yields is questionable. As explained to me by DoE, reprocessing is really more about reducing the heat from spent nuclear fuel, to facilitate storage, than it is about generating more usable fuel.

Questionable energy yields are only one problem with reprocessing. The other problem is that re-running nuclear fuel multiple times is one means of converting commercial nuclear fuel rods into weapons-grade plutonium. The Department of Energy has told us that the new reprocessing technology they hope to use (UREX+) is "proliferation resistant" since the radioactive emissions will still be lethal to unprotected handlers. But there is no such thing as being completely proliferation-resistance. A suicidal terrorist could find a way to steal, handle, and transport any nuclear material, and increasing the neutron flux simply brings them one step closer to using this material for a nuclear weapon.

On another front, I am greatly concerned about the potential cost of the GNEP proposal. Though the President's budget request called for only \$250 million this year, estimates have ranged up to \$40 billion over the next 10 years. This is huge price-tag for an amorphous program.

As an example, the Department of Energy has indicated that, as part of GNEP, they would like to build a scaled-down facility to

demonstrate UREX+ reprocessing technology. But when pressed for details, DoE has said that this facility could range in scale from 1 ton throughput per year to 200 tons and on up to 500 tons per year. This is almost as large as commercial scale reprocessing operations overseas, and is hardly a demonstration project. Moreover, the Department of Energy does not know where the demonstration facility will be sited, what the environmental or engineering costs will be for the facility, or what the ultimate cost will be to construct it. Even further, they do not know how many of these facilities will be needed if we ever move to a commercial scale.

We are running a budget deficit of \$300–350 billion this year alone. The Department of Energy itself is has more major acquisition projects on its plate than it can carry to fruition. I am wary of adding another \$40 billion liability with GNEP before we know fully what we are getting ourselves into.

The Markey amendment before us today takes a pragmatic approach to this problem. It does not eliminate funding for the program; rather, it reduces the \$120 million remaining for the program by \$40 million, effectively freezing GNEP funding at this year's funding level.

Before we rush headlong toward the latest acronym, GNEP, we should make the Department come to us with concrete proposals, more definitive costs and benefits, so that this far-reaching project can be measured against other priorities.

I urge my colleagues to support the Markey amendment.

The Acting CHAIRMAN (Mr. McHUGH). The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT OFFERED BY MS. DELAURO

Ms. DELAURO. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. DELAURO:
Page 21, line 5, after the dollar amount insert "(increased by \$25,000,000)".

Page 29, line 11, after the dollar amount insert "(reduced by \$25,000,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Connecticut (Ms. DELAURO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Chairman, my amendment is simple. It would restore funding to the State Energy Program which the underlying bill eliminates, and it would happen by reducing the administrative funding for the Department of Energy to last year's levels. That means that the Department's administrative funds would amount to about \$278 million.

The administration thought this program worthy enough to propose an increase to \$49.5 million from approximately \$35 million last year. Essentially I am saying this amendment would simply fund this program at \$25 million.

The State Energy Program, it provides grants to States and directs funding to State energy offices. The States use these grants to address their energy priorities, program funding to adopt emerging renewable energy and energy-efficient technologies.

States have implemented countless initiatives funded by this program that have reduced energy costs and have increased efficiency.

Let me give you two or three examples. The Texas Energy Office's Loan Star Program has reduced building energy consumption and taxpayers' energy costs through the efficient operation of public buildings, saving taxpayers more than \$172 million through energy efficiency projects.

New Mexico, the State energy office is supporting an expandable renewable energy usage, tax incentives for hybrid vehicles, school energy-efficiency programs, technical assistance to the wind industry and expansion of geothermal resources. With the funding, New Mexico has been able to meet approximately 40 energy performance goals with an annual energy savings in millions, including an expansion in the use of ethanol and biofuels.

My own State of Connecticut, the program supports 31 municipalities to help them make their schools and public buildings more energy efficient.

The value of this program speaks for itself. It enables energy offices to design and implement programs according to the needs of their economies, the potential of their natural resources and the participation of their local industries. For every dollar we spend on this public-private partnership, we save \$7.23, while almost \$11 is leveraged in the State, local and private funds.

That means by funding the program at \$25 million this year, we could help save as much as \$180 million just in fiscal year 2007.

Mr. Chairman, helping States to carry out their own energy efficiency and renewable energy programs is an effort in which the Federal Government not only has a stake, it has an obligation. This is something we should be encouraging, not eliminating. I am asking my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Chairman, I rise in opposition to this amendment. This

bill does in fact cut \$49.7 million to State grants.

This cut was done for several reasons: to fund the higher congressional priorities that were cut by the administration; in reaction to a DOE IG report regarding the implementation of the program; and an assessment of what the grant program is adding to energy research and development, the mainstay of the DOE portfolio.

The IG report did say DOE does not know if the program is working. The IG report did say that States aren't sure what energy savings are coming from these State grants. The IG report did say that the States have large uncosted balances, and aren't spending the money that they do get in the grant and award process. The IG report did say energy savings proclaimed by proponents can't be tracked to State grants solely. They may be from other programs that we do support, like weatherization.

But I want you to know that the IG report did say that given the broad goals of the program, funds were being spent consistently. However, I would contend we ought to look at what the States can spend this money on and do: State employee salaries, travel and administrative supplies. In fact, of the States examined by the IG, 66 percent had administrative costs in excess of 29 percent to as high as 57 percent, but these are allowable under the grant statute.

Finally, I would contend that these grants may have served a useful purpose 20 years ago to raise the consciousness of energy efficiency and conservation. But, frankly, these services are not now in demand by the public, and our dollars are better suited for making the technologies available that are in demand, rather than feel-good "coordination" activities of this program.

Ms. DELAURO. Mr. Chairman, I yield myself 30 seconds.

On the IG report, and I quote: "Nothing came to our attention during our visits to six States to indicate that they were not spending the funds for their intended purpose."

If anyone wants to know, I have a list of all of the States and the amount of money they receive in grants every year from this program, and they will get nothing next year if we do not restore some funding.

Mr. Chairman, I yield my remaining time to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, this is a crazy budget. It really is. It authorizes \$50 million to help the oil companies to drill in deep water even though they reported \$113 billion in profits. It allows for drilling in the Arctic National Wildlife Refuge. That is where they are going to be heading tomorrow on the House floor.

And this shows you the hypocrisy efficient on energy policy. Last year, they trumpeted on the House floor and the President with a flourish signed

the bill that put in \$100 million for State energy plans for conservation at the State level, \$100 million.

Then, in January, the President sends up his budget, \$49.5 million.

And today, out on the House floor, the true agenda of the Republican Party once again reveals itself: zero. Zero for conservation. Nothing. Meaning that the \$100 million last August that the President signed, the \$49.5 million that he asked this year, all dismissed while we are going to tip the taxpayer upside down and subsidize the nuclear, oil, gas and coal industries.

But the American taxpayer knows we have to learn to work smarter, not harder; how to conserve, how to use technologies that will reduce our consumption. We only have 3 percent of the oil reserves in the world. We import 70 percent of the oil we consume. That is why we need the DeLauro amendment in order to make sure that we put conservation number one, to back out this imported oil from around the world.

Vote "aye" on the DeLauro amendment.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me talk about hypocrisy. Let me talk about extraneous matter out here. I mean, this is outrageous.

First of all, if we want to save money, you do not go back and do these itty-bitty State grants. My State gets a million dollars out of this, \$1.6 million. Big deal.

Under your deal, it is going to get \$250,000 or less the way you have drafted this amendment. It is absolutely ridiculous to send money up here. We take administration off the top, and then we send it back to the States, and they start it all over again and take a bunch of salaries.

The group that is out here now advocating this thing on behalf of all of the States is funded by this program. This is just another pork-barrel program for Governors of States. We ought to get rid of it. The State grant does absolutely nothing. This amendment will make it even less effective. And what it does to the Department of Energy is outrageous.

Under this, this mandates reduction of 100 employees. Those employees are responsible for the financial integrity of the Department. The next thing they will be saying is, we are not doing it right, and that is because we have cut 100 people out of it. These employees are responsible for the Department's cyber security. Then we hear it is all gone.

Programs like Minority Economic Impact, General Counsel and the Office of Economic Impact and Diversity would be severely impacted.

This amendment is outrageous. You want to get rid of pork-barrel stuff around here, these kinds of programs are a waste of money.

There are a couple of others in this bill that I would take out totally, too,

but this one is particularly egregious because it doesn't do the job.

Vote "no" on the DeLauro amendment.

□ 1700

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Ms. DELAURO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Connecticut will be postponed.

AMENDMENT OFFERED BY MS. MILLENDER-MCDONALD

Ms. MILLENDER-MCDONALD. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. MILLENDER-MCDONALD:

Page 21, line 5, after the dollar amount insert "(increased by \$5,000,000) (reduced by \$5,000,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from California (Ms. MILLENDER-MCDONALD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I yield myself such time as I may consume.

My amendment addresses a critical energy source of our national renewable energy portfolio that needs to be a priority in the energy debate. As we know, the affordable energy situation is far from resolved in our Nation. My amendment provides for the necessary funds to continue the Geothermal Technology Program and to continue our Federal support of cleaner alternative power. This energy is cost-effective and cleaner.

Recently, an Associated Press article stated that the Federal Government has a backlog of 230 lease applications to prospect for geothermal energy. This AP article also states that the average age of an application to prospect geothermal sites is 9 years.

Recent supply projections from the American Gas Association show that natural gas suppliers will continue to lag behind the demand in the foreseeable future, resulting in continued high prices. The high cost of natural gas affects electricity and home heating costs across the United States. This is why we need to continue to support Federal investment in geothermal energy and to support the Geothermal Technology Program.

Now we do know that most of the geothermal power plants were built in the mid-1980s and early 1990s when energy markets were receptive to alter-

native energy investment. Since then, there has been a significant decline in this investment.

The Bush administration has repeatedly championed the need to expand our renewable energy resources and to develop our country's geothermal energy resources. The Department of the Interior and the Department of Energy have jointly stated that commitment to increase our energy security would be by expending the use of indigenous resources on Federal lands, while accelerating protection of the environment.

A recent report from the Department of Energy found that California, Nevada, New Mexico, Oregon, Utah and Washington State have the greatest potential for quick development of geothermal resources. In fact, the study, Mr. Chairman, listed nine "top pick" sites in California and ten in Nevada.

As we work on improving our affordable energy options, we must support the Geothermal Technology Program. It is also a job creation program. It will ultimately mean about 150 to 200 jobs in a community.

The minimal \$5 million that I am asking for will be taken from the Hydrogen Technology Program to be placed in the Geothermal Technology Program, and all of this can be attainable.

We must not turn our backs on this important source of environmentally friendly energy. I ask my colleagues to support this amendment and to support geothermal technology and, more importantly, to support lower prices for energy.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Does the gentleman from Ohio rise in opposition to the amendment?

Mr. HOBSON. Mr. Chairman, I am going to rise to strike the required number of words, I guess, because I am going to accept her amendment.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. HOBSON. I think this is a very responsible amendment. I happen to agree on geothermal, and I want to thank the Member for working with us to find the appropriate funding source on this, and I look forward to holding this as we move forward into conference.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I do appreciate the chairman's working with me on this amendment, along with our ranking member. I thank him for accepting the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. MILLENDER-MCDONALD.)

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CLEAN COAL TECHNOLOGY
(RESCISSION)

Of the funds made available under this heading for obligation in prior years, \$257,000,000 are rescinded.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, the hire of passenger motor vehicles, the hire, maintenance, and operation of aircraft, the purchase, repair, and cleaning of uniforms, the reimbursement to the General Services Administration for security guard services, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), \$558,204,000, to remain available until expended, of which \$54,000,000 is available to continue a multi-year project coordinated with the private sector for FutureGen, without regard to the terms and conditions applicable to clean coal technology projects: *Provided*, That the initial planning and research stages of the FutureGen project shall include a matching requirement from non-Federal sources of at least 20 percent of the costs: *Provided further*, That any demonstration component of such project shall require a matching requirement from non-Federal sources of at least 50 percent of the costs of the component: *Provided further*, That of the amounts provided, \$36,400,000 is available, after coordination with the private sector, for a request for proposals for the Clean Coal Power Initiative providing for competitively-awarded research, development, and demonstration projects to reduce the barriers to continued and expanded coal use: *Provided further*, That no project may be selected for which sufficient funding is not available to provide for the total project: *Provided further*, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading "Clean Coal Technology" in 42 U.S.C. 5903d as well as those contained under the heading "Clean Coal Technology" in prior appropriations: *Provided further*, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: *Provided further*, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: *Provided further*, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. 7651n, and chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: *Provided further*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further*, That the Secretary of Energy is authorized to accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal,

State, or private agencies or concerns: *Provided further*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under the Fossil Energy Research and Development account may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, including the hire of passenger motor vehicles, \$18,810,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), including the hire of passenger motor vehicles, the hire, maintenance, and operation of aircraft, the purchase, repair, and cleaning of uniforms, the reimbursement to the General Services Administration for security guard services, \$155,430,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act, \$4,950,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, \$89,769,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed six passenger motor vehicles, of which five shall be for replacement only, \$309,946,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, as amended, and title X, subtitle A, of the Energy Policy Act of 1992, \$579,368,000, to be derived from the Fund, to remain available until expended, of which \$20,000,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition

or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed twenty-five passenger motor vehicles for replacement only, \$4,131,710,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended (the "Act"), including the acquisition of real property or facility construction or expansion, \$186,420,000, to remain available until expended, of which \$156,420,000 shall be derived from the Nuclear Waste Fund: *Provided*, That of the funds made available in this Act for Nuclear Waste Disposal, \$2,000,000 shall be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Act: *Provided further*, That \$4,000,000 shall be provided to affected units of local government, as defined in the Act, to conduct appropriate activities and participate in licensing activities: *Provided further*, That 7.5 percent of the funds provided shall be made available to affected units of local government in California with the balance made available to affected units of local government in Nevada for distribution as determined by the Nevada units of local government: *Provided further*, That notwithstanding the provisions of chapters 65 and 75 of title 31, United States Code, the Department shall have no monitoring, auditing or other oversight rights or responsibilities over amounts provided to affected units of local government under this heading: *Provided further*, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government by direct payment: *Provided further*, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by the Act and this Act: *Provided further*, That failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action, except for normal and recognized executive-legislative communications, on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: *Provided further*, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the Act, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended: *Provided further*, That no funds provided in this Act may be used to pursue repayment or collection of funds provided in any fiscal year to affected units of local government for oversight activities that had been previously approved by the Department of Energy, or to withhold payment of any such funds.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes

of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed \$35,000, \$278,382,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total \$123,000,000 in fiscal year 2007 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2007, and any related appropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2007 appropriation from the general fund estimated at not more than \$155,382,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$45,507,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 14 passenger motor vehicles, for replacement only, including not to exceed two buses; \$6,412,001,000, to remain available until expended: *Provided*, That \$40,000,000 of that amount is for the Material Consolidation and Upgrade Construction Project, Buildings 651 and 691, at the Idaho National Laboratory.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$1,593,101,000, to remain available until expended.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, \$795,133,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed \$12,000, \$399,576,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$4,951,812,000, to remain available until expended, and \$600,000,000 for the Waste Treatment and Immobilization Plant at Hanford, Washington, to remain available until September 30, 2007.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed ten passenger motor vehicles for replacement only, \$720,788,000, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$388,080,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for official reception and representation expenses in an amount not to exceed \$1,500. During fiscal year 2007, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$5,723,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 3302, up to \$48,003,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

OPERATION AND MAINTENANCE,

SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses,

including official reception and representation expenses in an amount not to exceed \$1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power administration, \$31,539,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 3302, up to \$13,600,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed \$1,500; \$212,213,000, to remain available until expended, of which \$208,776,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That of the amount herein appropriated, \$6,893,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That of the amount herein appropriated, \$6,000,000 shall be available until expended on a nonreimbursable basis to the Western Area Power Administration for Topock-Davis-Mead Transmission Line Upgrades: *Provided further*, That of the amount herein appropriated, \$500,000 shall be available until expended on a nonreimbursable basis to the Dynamic Engineering Studies on the TOT-3 and Wyoming West Transmission projects: *Provided further*, That notwithstanding the provision of 31 U.S.C. 3302, up to \$472,593,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, \$2,500,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed \$3,000, \$230,800,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed \$230,800,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2007 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are

received during fiscal year 2007 so as to result in a final fiscal year 2007 appropriation from the general fund estimated at not more than \$0.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

SEC. 301. CONTRACT COMPETITION.—(a)(1) None of the funds in this or any other appropriations Act for fiscal year 2007 or any previous fiscal year may be used to make payments for a noncompetitive management and operating contract unless the Secretary of Energy has published in the Federal Register and submitted to the Committees on Appropriations of the House of Representatives and the Senate a written notification, with respect to each such contract, of the Secretary's decision to use competitive procedures for the award of the contract, or to not renew the contract, when the term of the contract expires.

(2) Paragraph (1) does not apply to an extension for up to 2 years of a noncompetitive management and operating contract, if the extension is for purposes of allowing time to award competitively a new contract, to provide continuity of service between contracts, or to complete a contract that will not be renewed.

(b) In this section:

(1) The term "noncompetitive management and operating contract" means a contract that was awarded more than 50 years ago without competition for the management and operation of Ames Laboratory, Argonne National Laboratory, and Lawrence Livermore National Laboratory.

(2) The term "competitive procedures" has the meaning provided in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403) and includes procedures described in section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) other than a procedure that solicits a proposal from only one source.

(c) For all management and operating contracts other than those listed in subsection (b)(1), none of the funds appropriated by this Act may be used to award a management and operating contract, or award a significant extension or expansion to an existing management and operating contract, unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver. At least 60 days before a contract award for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report notifying the Committees of the waiver and setting forth, in specificity, the substantive reasons why the Secretary believes the requirement for competition should be waived for this particular award.

SEC. 302. WORKFORCE RESTRUCTURING.—None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy, under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 42 U.S.C. 7274h).

SEC. 303. SECTION 3161 ASSISTANCE.—None of the funds appropriated by this Act may be used to augment the funds made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 42 U.S.C.

7274h) unless the Department of Energy submits a reprogramming request to the appropriate congressional committees.

SEC. 304. UNFUNDED REQUESTS FOR PROPOSALS.—None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) or other solicitations for a program if the program has not been funded by Congress.

SEC. 305. UNEXPENDED BALANCES.—The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 306. BONNEVILLE POWER ADMINISTRATION SERVICE TERRITORY.—None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 307. USER FACILITIES.—When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term “user facility” includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 308. INTELLIGENCE ACTIVITIES.—Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2007 until the enactment of the Intelligence Authorization Act for fiscal year 2007.

SEC. 309. LABORATORY DIRECTED RESEARCH AND DEVELOPMENT.—Of the funds made available by the Department of Energy for activities at government-owned, contractor-operator operated laboratories funded in this Act, the Secretary may authorize a specific amount, not to exceed 8 percent of such funds, to be used by such laboratories for laboratory-directed research and development: *Provided*, That the Secretary may also authorize a specific amount not to exceed 3 percent of such funds, to be used by the plant manager of a covered nuclear weapons production plant or the manager of the Nevada Site Office for plant or site-directed research and development.

SEC. 310. TECHNOLOGY COMMERCIALIZATION FUND.—None of the funds made available by this Act may be used for technology commercialization activities funded via a tax on applied energy research, development, dem-

onstration, and commercial application activities by the Department of Energy as authorized by section 1001(e) of title X of the Energy Policy Act of 2005.

SEC. 311. CONTRACTOR PENSION BENEFITS.—None of the funds made available in title III of this Act shall be used for implementation of the Department of Energy Order N 351.1 modifying contractor employee pension and medical benefits policy.

Mr. HOBSON (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title III be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDMENT OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ANDREWS:

Page 29, line 11, after the dollar amount, insert the following: “(reduced by \$27,800,000)”.

Page 31, line 15, after the dollar amount, insert the following: “(increased by \$27,800,000)”.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. ANDREWS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. ANDREWS. Mr. Chairman, I yield myself 2½ minutes.

I am pleased to offer this amendment with my friend from Iowa (Mr. LEACH).

On page 380 of this report, the 9/11 Commission says, “A trained nuclear engineer with an amount of highly enriched uranium or plutonium, about the size of a grapefruit or an orange, together with commercially available material, could fashion a nuclear device that would fit into a van like the one Ramzi Yousef parked in the garage of the World Trade Center in 1993. Such a bomb would level lower Manhattan.”

Where would people find such highly enriched uranium? Over the last 15 years, the Department of Energy and the military have been looking at 106 reactors throughout the world. In those 15 years, they have dealt with some of them, but there are 64 of these reactors left that use highly enriched uranium.

At this pace, we will have converted those reactors to less low-enriched uranium, which cannot make a bomb, by the year 2019. We need to speed that up. The purpose of this amendment is to more than double the amount of money that is dedicated to the conversion of these reactors from highly enriched uranium to low-enriched uranium.

Last year, the President provided about \$24.7 million. Our amendment adds \$27 million for that purpose this year. Where do we find the money?

Well, this year's bill, which is a great bill, which I am going to support, adds

about \$27 million to the administrative accounts of the Department of Energy. So we take that \$27 million increase in administrative costs, and we shift it towards this program of converting these potential nuclear bomb factories into low-enriched uranium.

This does not cut the administrative expenses of the Department of Energy. It simply gives the Department about the same amount that it has, actually a tiny bit more, than it has in the present fiscal year.

We need to prevent a nuclear 9/11. We will be able to convert about twice as many of these reactors from highly enriched uranium to low-enriched uranium if we adopt the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I rise in opposition to the Andrews-Leach amendment.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume.

The gentleman's amendment proposes to increase funding for nuclear nonproliferation activities that were already significantly increased in this bill.

The Nonproliferation and Verification Research and Development program budget was increased by \$39 million, an increase of 15 percent over the request. This program develops better technologies for satellite detection of nuclear activities.

The MPC&A program was increased by \$170 million, an increase of 41 percent over the request. This program secures nuclear weapons and nuclear material in Russia and installs radiation detection monitors at border crossings around the former Soviet Union and at foreign seaports.

The MegaPorts program was increased by \$65 million, an increase of 162 percent over the request. The committee recognized the need to protect the country's seaports against nuclear smuggling and increased the funding to scan cargo containers.

The Global Threat Reduction Initiative, or GTRI, which the gentleman's amendment would increase funding for, was already increased by the committee for a total of \$13 million, or 12 percent over the budget request. The increase was targeted to accelerate recovery of domestic and radiological sealed sources, Russian-origin nuclear material, and U.S.-origin orphaned nuclear materials still overseas.

I urge a “no” vote on the gentleman's amendment. We have already added \$222 million to this account. I do not think we need to add any more money into this account at this time.

Mr. Chairman, I reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, one of the reasons I am going to vote for the chairman's bill is because it has those increases, but I think we need to do more.

Mr. Chairman, I am pleased to yield 2½ minutes to my co-author, my friend from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Chairman, I rise in deep respect for the subcommittee chairman, Mr. HOBSON; and I recognize how difficult it is to establish budget priorities within the limits provided. Nevertheless, I think it is important to note that there are many lessons of 9/11; and the one that stands out is it is relatively easy to destroy. A few can inflict havoc on the many with advanced economies being more vulnerable than less advanced ones to terrorist acts.

Significantly, what distinguishes this generation of citizens of the world from all others is that we are the first generation able not only to cause war or inflict anarchy but to destroy civilization itself. Weapons of mass destruction have been invented, refined, and access provided to a wider and wider group of nation states and potentially to terrorist organizations.

In the most profound observation of the last century, Einstein noted that splitting the atom had changed everything except our way of thinking. In this context I think there has never been a more important time to give threat reduction assistance and arms control a chance.

The goals of this Global Threat Reduction Initiative includes securing and/or removing vulnerable, high-risk nuclear and radiological materials throughout the world and minimizing or eliminating the use of highly enriched uranium. This amendment would add \$27 million to the program and provide for acceleration of efforts to secure highly enriched uranium and other radiological materials. Further, it is our hope that this funding approach will give impetus to the effort to increase the number of HEU reactors being converted to low-enriched uranium.

What is needed is increased priority to this program. If Congress can lead, we would, as President Eisenhower once suggested in another context, be dedicating some of our country's strength "to serve the needs rather than the fears of mankind."

Mr. Chairman, I honor the subcommittee chairman. There is a great deal that is worthy in this bill, and I fully intend to support it. But I would hope this modest change in priorities could be looked at sympathetically by this body.

Mr. HOBSON. I understand the gentleman's concern. Let me tell you this. If funds become available along the way, we will take a look at it. I am interested in the program, but I just think we have done an awful lot, probably more than this committee has done in years. Mr. VISCLOSKEY has been around longer than I, and Mr. OBEY has always been interested in nonproliferation, Mr. EDWARDS has been interested in nonproliferation, and we have tried to meet those needs by the amounts of moneys we have put in here.

I am sorry this does not meet the gentlemen's needs at this point, but if funds become available along the way and we can find them, we will do that.

But at this point I would have to oppose the gentlemen's amendment but tell them along the way we will try to take a look at it as best we can.

Mr. Chairman, I yield back the balance of my time.

Mr. ANDREWS. I simply would like to thank the chairman and the ranking member for the debate and again commend them for the increases they have in these accounts. I just respectfully believe we should do more, and I would ask my colleagues to vote "yes" on this bipartisan amendment.

Mr. Chairman, I yield back the balance of my time.

□ 1715

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS).

The question was taken; and the Acting Chairman announced that the yeas appeared to have it.

Mr. ANDREWS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding 40 U.S.C. 14704, and, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$35,472,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, \$22,260,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), and 382M(b) of said Act, \$5,940,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction and acquisition of plant and capital equipment as necessary and other expenses, \$7,536,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses not to exceed \$19,000, \$808,410,000, to remain available until expended: *Provided*, That of the amount appropriated herein, \$40,981,840 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$656,328,000 in fiscal year 2007 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2007 so as to result in a final fiscal year 2007 appropriation estimated at not more than \$152,082,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$8,144,000, to remain available until expended: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$7,330,000 in fiscal year 2007 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2007 so as to result in a final fiscal year 2007 appropriation estimated at not more than \$814,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, \$3,670,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act or any other appropriation Act.

Mr. HOBSON (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 47, line 2, be considered as read, printed in the RECORD and open to amendment at any point.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDMENT NO. 4 OFFERED BY MR. BARTON OF TEXAS

Mr. BARTON of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. BARTON of Texas:

Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act from the Nuclear Waste Fund may be used to carry out the Global Nuclear Energy Partnership program.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. BARTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, \$26 billion has been collected from our Nation's electricity consumers to pay for the disposal of spent nuclear fuel in a repository. \$3 billion of that \$26 billion already has been spent, leaving a balance of \$18 billion in Nuclear Waste Fund.

The Department of Energy has not yet proposed to use this fund for the Global Nuclear Energy Partnership, but they do believe that they have the authority under the Nuclear Waste Policy Act subject to appropriations. I strongly disagree with that interpretation.

Consumers have paid for nuclear waste to be disposed of in a repository that should have been opened in 1998, 8 years ago. What they have not paid for is a program to encourage the development of nuclear energy in other countries, and they have not paid for a program to dispose of those other countries' spent fuel.

My amendment would simply prohibit the Department of Energy from looting the Nuclear Waste Fund for the Global Nuclear Energy Partnership, a program that is overly broad, premature and poorly defined. This money should be reserved for its designated purpose.

If DOE wants to encourage the development of nuclear energy, then it is time to focus here at home. It is time to get Yucca Mountain open, so new nuclear plants can be built in our own country.

I would urge my colleagues to support this amendment. It is my understanding that Mr. DINGELL supports the amendment. It is also my understanding that the chairman of the Appropriations subcommittee before us, Mr. HOBSON, supports the amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. HOBSON).

Mr. HOBSON. Mr. Chairman, I support the amendment from the chairman of the Energy and Commerce Committee. As you know, our bill does not use the Nuclear Waste Fund for any activities under the Global Nuclear Energy Partnership. Your amendment is entirely consistent with the views of our committee and its uses of the waste fund, and I encourage Members to support this amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from Texas (Mr. BARTON).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. BERKLEY

Ms. BERKLEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. BERKLEY:

Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used by the Office of Civilian Radioactive Waste Management to administer the "Yucca Mountain Youth Zone" website.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Nevada (Ms. BERKLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Nevada.

Ms. BERKLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to introduce my colleagues and the American people to the newest member of the Bush administration's energy policy team. His name is Yucca Mountain Johnny. He is the star of the Energy Department's Yucca Mountain Youth Zone Web site devoted to brainwashing school children into believing that burying the Nation's nuclear garbage 90 miles from Los Vegas is safe. The Web site features helpful facts on nuclear waste, as well as games and activities to make high level nuclear waste fun.

High level nuclear waste is not fun. It is dangerous, and the Department of Energy should not be using taxpayer money to politicize this issue or to use the DOE Web site designed to attract children as a propaganda tool.

Yucca Mountain Johnny is full of advice for America's youth. Among his witty sayings, he says, "The worst mistake is never making one."

Well, Yucca Mountain is a mistake. This Web site is a mistake. Yucca Mountain Johnny, with all due respect, is a mistake, and to promote the proposed Yucca Mountain nuclear waste repository to our Nation's children under the guise of education is a big mistake.

What is next, I ask my colleagues? Will the Department of Health and Human Services recruit Joe Camel to teach our children that smoking and tobacco is good for them? This is no less egregious.

Whether you are pro-Yucca or anti-Yucca, I hope that we are all pro-children. As a parent, I am imploring my colleagues to let us not allow the DOE to use a cartoon character to persuade our children that nuclear waste is safe and good for you. It is not. This is wrong. This Web site is wrong. Yucca Mountain Johnny is very wrong.

My amendment would prohibit the Department of Energy from maintain-

ing a Web site whose purpose is the indoctrination of our children by the nuclear industry, the Department of Energy and other proponents of Yucca Mountain.

I urge my colleagues to support this amendment. I cannot imagine how anybody could think Yucca Mountain Johnny is good for our school children.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. I yield 2 minutes to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I rise in opposition to this amendment also. It is obvious that people can have different opinions about projects, and the gentlelady from Nevada certainly has the right to have a difference of opinion about whether there should be a Yucca Mountain repository at all. I respect her opinion.

Having said that, I don't think there is any question that we should allow the Department of Energy to educate on just what that repository would be if it were in operation. They have put up a Web site for children, and they have got some diagrams and some information on it that is of a very simple nature, but to my knowledge, nobody has questioned the accuracy or truth of what is on the Web site.

So to say we are just not going to allow the Department of Energy to have an educational Web site for the children in Nevada, or any other area that wishes to find out, my guess is that most of the children that access this use it for term papers and papers in their classrooms that they have to do on nuclear power.

So I would hope we would oppose the gentlewoman's amendment and let the Department of Energy continue its educational program. Whether you oppose or support the repository, we should at least want the facts out to our children and adults who wish to use that same Web site about just what exactly it is.

So I oppose the amendment.

Ms. BERKLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would probably not be as upset with Joe Camel, excuse me, Yucca Mountain Johnny, if there was a more balanced approach on this Web site. It doesn't talk about the risks of transporting nuclear waste through 43 States. It doesn't talk about the potential of accidents or being an inviting target for terrorists. It doesn't talk about the fact that Yucca Mountain is in a volcanic and seismic zone area. It doesn't talk about the chronic mismanagement of the project by the DOE. It doesn't talk about what was contained in the e-mails that said they were "making up the science," "making up the stuff." It doesn't say anything about the existence of safer and cheaper alternatives.

What it does do, some of the pithy sayings, and I can't imagine anybody doing a term paper on this one, "Think safe, be safe." "Change your attitude and you change the world." "Any idea is worth having." "The best sense for safety is common sense."

Now, quite candidly, I don't know what the schools are like in your State, but in the State of Nevada, that is not term paper material.

So this is just used for the sole purpose, and this cartoon character was created with taxpayer money, taxpayer money, to convince elementary school children that nuclear waste is a good thing. Why would we want to do this? Why would we use one penny of taxpayer money on Yucca Mountain Johnny? Have we nothing better to do with our resources in this Nation?

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment. We talked about it, and we are on very different sides of this issue.

One of the reasons I am upset about some other things out here is I don't want to build seven or eight Yucca Mountains, and we differ on that, and I don't want to put perfectly good rods into Yucca Mountain. I want to go through GNEP and some other things. And maybe someday, if we were really lucky, we wouldn't have to put anything there. But I assume that we will probably have to do some things, certainly with the Naval reactor stuff.

But I think education is one of the most important things we can do. I think one of the things we ought to work on is maybe we need to look at this Web site and have some other types of things and some more balance to it. I happen to think that the best cure for fear is knowledge, and I don't happen to agree with some of the things that you are causing fear about what is going on at Yucca Mountain, and we may disagree about that.

But if we could have a more balanced approach, I still think Yucca Mountain Johnny may have a place in teaching kids. We may differ on where that place is. But I think, in the long run, education, good education is a way to go. So I would encourage the gentlelady to try to work with us and maybe with the Department to get a better and less cutesy sort of thing going and educating people, especially young people, about Yucca Mountain and the responsible use of green fuel in this country.

Ms. BERKLEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I don't believe I said anything about fear. This is not about fear or creating fear. This is about using taxpayer dollars for a cartoon character when we have better things to do with our money.

It doesn't matter to me if you are pro-Yucca or anti-Yucca, this is not a good expenditure of our taxpayers' dol-

lars, and we shouldn't be using our children as propaganda tools. This is not Communist Russia. The last time I looked, this is the United States of America.

If you will let me redesign this Web site, I might be a little bit more interested in Yucca Mountain Johnny. Right now, just his name is an offense to the people of the State of Nevada.

The Acting CHAIRMAN. The time of the gentlelady has expired.

Mr. HOBSON. Mr. Chairman, I urge a "no" vote on the amendment, and I yield back the balance of my time.

□ 1730

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Nevada (Ms. BERKLEY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Ms. BERKLEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Nevada will be postponed.

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY:
Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used to carry out subtitle J of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16371 et seq.).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, believe it or not, in this budget there is \$50 million to help the oil industry figure out how to do ultra-deep drilling for oil.

Now, the Republicans here in Congress do this despite the fact that President Bush says this on the program, "I will tell you, with \$55-a-barrel oil, we do not need incentives to oil and gas companies to explore."

It is now \$70 a barrel. The President has asked us to take out the money. It is ultimately a \$500 million 10-year project. The only ultra-deep drilling that is going on here is in the pockets of American taxpayers by oil companies which have reported \$110 billion worth of profit in the last year.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Chairman, I rise in opposition to the Markey amendment.

This Ultra-Deep Program was authorized by the Energy Policy Act last summer, had bipartisan support. The Ultra-Deep is a research program that universities and independents and various national laboratories would participate in. This is to try to find the technology to allow us to go into waters primarily in the Gulf of Mexico, very deep waters, to develop the technology so that we can go in and drill in an environmentally safe fashion and recover what are estimated to be almost 4 trillion cubic feet of natural gas and almost 1 billion barrels of oil.

It is primarily a research program. It is authorized at \$50 million for 10 years, or a total of \$500 million. This money would go to universities like the University of Texas, Texas A&M, in my great State, Massachusetts Institute of Technology in Massachusetts, in consortium with our national laboratories and the smaller independent oil and gas companies to develop technology in an environmentally safe fashion to develop those necessary resources for our energy future.

Mr. Chairman, I oppose the Markey amendment.

Mr. HOBSON. Mr. Chairman, I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would like to read to the Members who are paying attention what President Bush has said to us this year, just a couple of months ago. Here is what he says. He says, "In the 2007 budget, we recommend repealing provisions of the Energy Policy Act for a new mandatory \$50 million per year oil and gas R&D program funded with Federal revenues from oil and gas leases which would be similar to the discretionary programs proposed for termination. Industry has the incentives and the resources to do such research and development on its own."

That is from President Bush and Dick Cheney to us on the floor.

We do not need this \$500 million program. Mom and pop companies do not go out into deep water. The companies that are going out there are ExxonMobil, BP, Chevron, Conoco, Marathon. We do not have to subsidize these oil companies. They are already tipping the American consumer upside down and shaking money out of their pockets at the pump every single day.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HALL).

Mr. HALL. Mr. Chairman, I rise in opposition, of course, to the Markey amendment that would repeal funding for DOE's administration of the Ultra-Deep Water and Unconventional Natural Gas Program.

Mr. MARKEY is just absolutely dead wrong when he describes this ultra-deep is a program for big energy, big energy companies, ExxonMobil and all of those. Actually, ExxonMobil is not even a member of the consortium that was selected to oversee the Ultra-Deep Program.

To call a Federal R&D program a subsidy is like calling public education a social giveaway. The Ultra-Deep Program is about American energy for the American people, for the American young people, young people that will have to fight a war if we do not have energy for them. Countries will fight for energy. This country will fight for energy.

We do not have to, because 55 years of natural gas awaits us in the gulf. But we have to have this amendment to get it. The Ultra-Deep Program is about American energy. Nineteen of the 84 members of the consortium are universities, not Big Oil.

If Mr. MARKEY looks closely enough, he will find that one of those universities is his own Massachusetts Institute of Technology. Even more than the universities, the American people are beneficiaries of the Ultra-Deep Program.

First, the American people benefit because the intellectual property developed from the Ultra-Deep Program will belong to all of the American people, not any one company and not Big Oil.

Second, the American people will benefit because it helps get the country off foreign sources of oil and gas. The Energy Information Administration estimates that the Ultra-Deep Program will increase our domestic oil production by 50 million barrels of oil and 3.8 million cubic feet of natural gas.

Big Oil left us and went to produce in countries like Venezuela and Nigeria. The businesses that will be able to use the ultra-deep technologies are the little independent oil and gas companies that do not have the funds for huge R&D programs, not Big Oil.

It seems to be a little-known fact to Mr. MARKEY that these little independents are the companies that produce 68 percent of the net domestic oil and 82 percent of the domestic natural gas, not Big Oil. We need to help these producers get more.

Lastly, I want to emphasize that the Ultra-Deep Program is one of the few R&D programs that pays for itself. The money for the Ultra-Deep Program comes from royalty revenue that the oil and gas companies have to pay for it.

The energy is there. We know that. We have studies that show it is there. With this program, we can get it up.

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, you know, I am like a referee at an intramural Republican fight here. And so I am just trying to ref it so that you can understand what is going on.

The President and the Vice President have asked for this huge subsidy to

huge oil companies to be taken out. He is kind of being a free marketer here. Well, the Republican leadership here is saying, no, we want to give another half a billion dollars to companies that are now charging \$3 a gallon for gasoline, made \$114 billion last year and, in the President's own words, do not need this subsidy.

So it is free marketers versus subsidizers, but it is an intramural slaughter inside the Republican Party. And which of the companies are going to be the beneficiaries in this partnership to secure energy for America? The names are Chevron, Halliburton, BP, Marathon Oil, Kerr-McGee and others.

And this is DICK CHENEY and George Bush saying take the money out. But yet they continue to commit to these subsidies from the taxpayer even as the companies report huge profits.

Mrs. EMERSON. How much time do we have remaining on our side?

The Acting CHAIRMAN. Without objection, the gentlewoman from Missouri will control the time originally claimed by the gentleman from Ohio.

There was no objection.

The Acting CHAIRMAN. The gentleman from Missouri has 2 minutes remaining.

Mrs. EMERSON. Mr. Chairman, I yield such time as he may consume to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Chairman, it is interesting to listen to the discussion by the gentleman from Massachusetts describing himself as a referee.

Now he was showing the American taxpayer held by their feet shaking the money out of their pockets. The truth is that this program is actually funded by revenue from taxes on oil and gas production, and that is it.

So, first of all, the money for the program comes directly from oil and gas companies. But then the big beneficiary is, the money that is being poured into the pockets of the taxpayers, \$15 million was used previously by universities to study coal bed methane gas. This last year, 2005, \$327 million came into the budget from that \$15 million dollar budget, and every year we are increasing the production of coal bed methane gas.

The beneficiaries are not Texaco, Chevron. They are not ExxonMobil. The beneficiaries are MIT, Stanford, Penn State, and a whole plethora of other research institutions.

This makes sense to lower the costs of energy to our American consumers. One party is in favor of that. The referee stands here trying to block the American people from having lower energy prices. That is a very simple fight to referee, my friend.

Mr. Chairman, I oppose the amendment.

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I am so sorry that President Bush cannot be here on the House floor, but under separation of power, he just cannot be here.

I would just like to reference for the Republicans on this side what the President has said on this issue. "I will tell you, with \$55-a-barrel oil, we do not need incentives for oil and gas companies to explore."

That is President Bush talking to the Republicans in Congress.

You do not have to tell me that. I already believed that. But he is on my side of the debate now.

So the point that we are making is quite clear that, yes, the money comes from the oil companies, but the money comes from oil companies because they have to pay the public for the leases on public land. So the public gets the money.

But then what this bill does is then it takes the money back out of the taxpayers' pockets and it hands it back over to the oil companies who have already been in the other pocket of the consumer, tipping them upside down and taking it out of \$3 a gallon.

So this is basically the bonus for one oil executive for a couple of years. I mean, that is where they can get the money from if this is such a valuable project.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I have no additional speakers at this time and yield back the balance of my time.

Mr. MARKEY. Mr. Chairman, in conclusion, this amendment is nothing more nor less than an attempt to be fair to the American taxpayer. They are howling at the pumps. They feel like they are getting stuck up at the gas stations. They are paying too much. They are being ripped off.

And this just adds insult to energy by having the oil companies then come to Congress and saying, now you do the research for us. You pay us to go out and drill for more oil. We will then charge you \$3.50, \$4 a gallon for it. It just makes no sense.

President Bush and DICK CHENEY want this amendment to pass. Vote "aye" on the Markey amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT OFFERED BY MR. VISCLOSKEY

Mr. VISCLOSKEY. Mr. Chairman, as the designee of the gentleman from Tennessee (Mr. GORDON) I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. VISCLOSKY:

At the end of the bill, before the short title, insert the following new section:

SEC. 503. None of the funds made available by this Act shall be used in contravention of the Federal buildings performance and reporting requirements of Executive Order 13123, part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.), or subtitle A of title I of the Energy Policy Act of 2005 (including the amendments made thereby).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Indiana (Mr. VISCLOSKY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

□ 1745

Mr. VISCLOSKY. Mr. Chairman, I would ask unanimous consent that Mr. GORDON's entire statement be entered into the CONGRESSIONAL RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. VISCLOSKY. I would yield a portion of my time to the chairman of the committee.

Mr. HOBSON. Mr. Chairman, I support the amendment that is being offered by Mr. GORDON.

Mr. VISCLOSKY. I appreciate the chairman's observation.

Mr. GORDON. Mr. Chairman, despite the high cost of energy and existing laws enforcing conservation, Federal agencies still do not give energy efficiency a priority and continually fall short of meeting their requirements.

Our estimates are that the Federal Government wasted almost half a billion dollars in the last 2 years by not meeting its requirements—or roughly equivalent to 8,200 barrels of oil every day—a total of 6 million barrels over the last 2 years.

This happens because the laws already on the books are not taken seriously enough. The National Energy Conservation Policy Act—NECPA, last year's Energy Bill—EPACT, and a related Executive order all clearly state that agencies shall meet aggressive but reasonable energy efficiency goals and standards and to prepare reports to the Department of Energy, the Office of Management and Budget, and the Congress and on the agencies' performance. Yet the Federal regulations that govern new building construction are 17 years out of date and the reports reach the Congress months or years after the data is available.

The amendment I am offering today would increase the incentive for agencies receiving appropriations under the Agriculture appropriations bill to comply with the law by tying Federal buildings performance to appropriations.

This amendment simply states that none of the funds made available by this act shall be used in contravention of Federal buildings performance requirements. Therefore, agencies must adhere to existing law when constructing, leasing or refurbishing any building with money appropriated under this act.

These relatively simple steps in designing new buildings in conformance with current law, measuring building performance, and procurement of energy efficient products will con-

tribute to substantial energy savings in the Federal sector—lessons that have already been learned outside the Federal Government.

Increased energy conservation in the Federal sector means cleaner air, cleaner water, and in a time of soaring energy costs, keeping money in taxpayers' pockets.

How can we expect consumers and industry to make sacrifices and commit to energy conservation when the Federal Government fails to make it a priority for itself?

Mr. Chairman, I urge adoption of the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. VISCLOSKY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KING of Iowa:

Page 47, after line 2, insert the following:

SEC. 503. None of the funds made available in this Act may be used for the Corps of Engineers to implement the Spring Rise, also known as the bimodal spring pulse releases, on the Missouri River.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment that I bring before the House today deals with the Missouri River and the flows on the Missouri River that are controlled by the Corps of Engineers in a series of dams that start at Gavins Point Dam in southeast South Dakota and move clear on up into Montana.

It has been a struggle along this river for the last several years because there has been a drought upstream for the last 7 to 8 years. And the struggle over the water is something that many people, at least west of Mississippi, are familiar with.

This is centered upon an endangered species, an endangered species called the pallid sturgeon. Fish and Wildlife and a number of environmental groups working in conjunction with the Corps of Engineers have come up with this grand experiment. It is this experiment that the idea that the natural spawning of the pallid sturgeon could be enhanced if they created a manmade flood, a "spring rise" as they call it.

Now, there is not a basis in science for this that we identify, and we have had some hearings on it. It is the belief that if you have the water come up in the spring, that it somehow triggers a spawning cue, but in fact, rather than emptying the dams out upstream and starving the reservoirs up there of

water and flushing out the river and flooding our farmers in especially southwest Iowa and down into Missouri, we have also had those similar circumstances that have taken place repeatedly naturally because of the tributaries that produce this spring rise.

So there is not a basis in science for it, and my amendment removes any funding to be used to create a spring rise until such time as there would be a sound science to establish that.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume.

This amendment reduces the funding for the O and M account. This account is already a backlog of critical activities to ensure the safety and operation of existing programs. The amendment places our water resources infrastructure at further risk, and I oppose the amendment and encourage my colleagues to vote "no" on this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of Iowa. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I make the point that this is of critical economic interest to the Missouri River bottoms all the way from Sioux City, Iowa, clear on down to St. Louis, particularly the people on the Missouri side. When we have a manmade flood, there is not crop insurance that will protect for a manmade flood. And yet we have a government-induced manmade flood that is being created as an environmental experiment, and that environmental experiment is just that, an experiment. And so I seek to protect our producers.

The reason that the project was put in place is so that we could have flood protection, navigation and open up the economy.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume.

I misspoke a little earlier on this amendment. And I will issue a statement correcting the first part that I misspoke before.

This activity is part of a biological opinion under the Endangered Species Act. It is not appropriate to legislate this activity on the energy and water development bill.

I would really prefer that my colleague would withdraw the amendment. Failing that, I would oppose the amendment and ask my colleagues to vote "no."

This is not the appropriate forum for this piece of legislation. I understand the gentleman's concern.

Mr. Chairman, I yield back the balance of my time.

Mr. KING of Iowa. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. The gentleman from Iowa has 2 minutes remaining.

Mr. KING of Iowa. Mr. Chairman, I yield myself the balance of my time.

I want to thank the chairman for his work on this overall bill and his interest on a broad variety of issues all across this country and his cooperation that I have enjoyed and appreciated the years I have served in this Congress.

I am sensitive to the chairman's judgment on this issue because he has to look at the Nation as a whole, and I have to represent my district. And that is our issue that is here. It is not really even a philosophical disagreement. I take the opportunity to present this species. I happen to have probably the only one in Washington, D.C., a pallid sturgeon in captivity. Actually, it is legal in my possession. I want to pass this down to the chairman for his observation at a convenient point if I could.

I want to make a closing point that when we let ideas that are not sound science dictate the economy in this country, especially when we have the billions of dollars invested for those reasons in the Missouri drainage area as I said, that is for flood control and also for barge freight and then for the economy on up the river. And the last reason is the one that they are using to date, the belief that we can flood the river and flood the backwaters, and that is the spawning areas. And then we can have another flood and go out and round them back up again, even though those circumstances have been established there in nature, and it does not pay for us then to make a false flood to try to emulate what has already happened in nature, believing that something different is going to happen, the spawning has not taken place.

I would point out that we do have hatcheries up and down the river. I visited one of those hatcheries, which is where this sample species came from, and in those hatcheries, we were able to take 250,000 eggs and fertilize those eggs and have a 95 percent success rate of releasing live and healthy pallid sturgeons into the river. And we are very close to producing the second generation. We have made a lot of progress. And I think we are going to be able to save this species, and we can save the endangered species which is the river bottom farmer if we use good judgment.

Mr. GRAVES. Mr. Chairman, I rise in strong support of Mr. KING's amendment.

As many of you know, earlier this month the Army Corps of Engineers decided to move forward with a spring rise on the Missouri River. I continue to remain strongly opposed to this policy because it significantly raises the chances of something adverse happening to the over 1 million Missourians that live along the river's flood plain.

Mr. Chairman, the spring rise is a huge gamble. We are gambling with the livelihoods of all the farmers, landowners, homeowners,

and merchants along the river. All for what? To maybe trigger the spawning patterns of the pallid sturgeon. This is a risky science experiment to me, and I will continue to fight against this and future spring rises.

It's the farmer that we need to protect. I wish to remind this body how important farmers are to us three times a day when we eat. A spring rise substantially increases the chances of down river flooding and we cannot risk that potential damage to our agricultural community. Farmers play a critical role in America and to the countless countries that rely on them to feed their populations. We must protect our farmers and their livelihoods before we consider this unfounded experiment.

Mr. Chairman, I rise in support of this amendment and encourage its passage.

Mr. KING of Iowa. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The amendment was rejected.

AMENDMENT OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. STUPAK:

Page 47, after line 2, insert the following:

SEC. 503. None of the funds made available in this Act may be used to implement a policy, proposed on pages V-5 and V-6 of the US Army Corps of Engineers Civil Works Direct Program: Program Development Guidance for Fiscal Year 2007 (Circular No. 11-2-187), to use or consider the amount of tonnage of goods that pass through a harbor to determine if a harbor is high-use.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Michigan (Mr. STUPAK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. STUPAK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, beginning in fiscal year 2005, the United States Army Corps of Engineers and the Office of Management and Budget began implementing new guidelines for including in their budget for operation and maintenance dredging of commercial harbors. Unfortunately, this new policy significantly limits dredging of harbors in rural communities including several communities in my northern Michigan district.

In fiscal year 2006, the corps excluded harbors that moved less than a million tons of cargo each year. For fiscal year 2007, the corps is using a similar tonnage base standard, requiring that dredging projects cost less than \$2 per ton of product moved annually.

By using a standard based on tonnage, harbors that do not move a large amount of tonnage but are still important to the economic success of rural areas are excluded from the President's budget. As a result, a number of routine Army Corps harbor dredging projects across the country will not be carried out.

In fiscal year 2006, there were 293 harbors in the United States classified as low use. These harbors were not included in the corps budget, even though they have been in previous years, simply because of this unfair budget standard; 293 communities are impacted by this devastating new policy. An example of how this policy affects communities in my district, Ontonagon, Michigan, residents were taken by surprise when last year, for the first time in many years, the harbor was not included in the President's budget. Not dredging this harbor will have significant effect on the future of our paper company, Smurfit-Stone Container Corporation, which relies on the harbor for coal and limestone deliveries. White pine power, a revitalized coal plant that depends on the harbor for coal deliveries for power generation in an area that is underserved with electricity will also be jeopardized.

In addition, annual dredging helps prevent flooding in Ontonagon, helping to prevent the devastating private property loss and damage.

While this port does not meet the corps' new standard, dredging plays an essential role in preserving the economy, electric generation and protecting this community; 293 communities in the United States have similar concerns.

This policy is not just detrimental to these rural communities. In setting this policy, the corps also disregards the fact that approximately two-thirds of all shipping in the United States either starts or finishes at small ports. By ignoring the needs of these communities, the corps is also significantly harming the Nation's economy.

The House is on record that the corps' neglect of our rural harbors is unwise and unreasonable. During consideration of the Water Resources Development Act last July, my amendment to require the corps to fund harbor dredging projects based on standards used in fiscal year 2004 was included in the WRDA bill. While the WRDA bill is unfortunately being held up in the Senate, this policy continues to threaten the economies of those cities that depend on these ports.

Therefore, if I may enter into a brief colloquy with the chairman, does the chairman of the subcommittee share my concerns that the corps' new dredging policy is misguided and harms our rural economies?

Mr. Chairman, I yield to the gentleman from Ohio.

Mr. HOBSON. Yes, generally, I do.

Mr. STUPAK. Reclaiming my time, with that regard I will be withdrawing my amendment. I would also thank both the chairman, Mr. HOBSON, and the ranking member, Mr. VISCLOSKEY, for their support on this issue. Hopefully, we will be able to pass a WRDA bill and go to conference and have it pass this year so the language that we are looking for will be included. I look

forward to working with the committee and these gentlemen on this issue.

Mr. Chairman, I yield to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chairman, I appreciate the gentleman yielding. The gentleman from Michigan is correct to bring this issue up. The regulations that determine dredging in the Great Lakes need to be updated and reflect the true economic value that they produce.

The Great Lakes are the fourth sea coast of this Nation and home to the U.S. Flag fleet and the Canadian Flag fleet. In addition, dozens of international vessels regularly travel through the Great Lakes, visiting port communities along the way. These vessels team up to haul upwards of 125 million tons of cargo during a typical 10-month shipping season. That is almost a half of ton for every person in the United States of America. I truly thank the gentleman for highlighting this inequity and certainly assure him that we will continue to work closely with the chairman to rectify this problem.

Mr. STUPAK. Mr. Chairman, I ask unanimous consent to withdraw my amendment based upon the colloquy and comments here today.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AMENDMENT OFFERED BY MR. BISHOP OF NEW YORK

Mr. BISHOP of New York. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BISHOP of New York:

At the end of the bill, before the short title, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used by the Federal Energy Regulatory Commission to review the application for the Broadwater Energy proposal, dockets CP06-54-000, CP06-55-000, and CP06-56-000.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. BISHOP of New York. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, first, let me start by thanking my colleague and friend from Connecticut, Ms. DELAURO, for co-sponsoring this amendment and for her leadership in the effort to protect the splendor of Long Island Sound.

Our amendment limits the use of any funds appropriated in this bill for use by the Federal Energy Regulatory Commission to review the pending application for the placement of a floating storage and regasification unit known as Broadwater in the middle of Long Island Sound, an area that was

designated by the Environmental Protection Agency as an estuary of national significance.

□ 1800

To be clear, the amendment does not block any other pending application before the FERC relating to the placement of onshore and offshore liquefied natural gas projects around the country. Rather, it is intended to protect the splendor of Long Island Sound as we expand our energy independence.

Like my colleagues on both sides of the aisle, I believe that it is in the best interest of our Nation to develop new and innovative technologies, expand refining capacity and increase the supply of natural gas. However, we must strike a responsible balance between expanding the supply of energy and protecting the environment.

Long Island Sound has benefited from hundreds of millions of dollars invested by the Federal Government, the States of New York and Connecticut, as well as local towns and municipalities fighting to curb hypoxia, brown tide and other destructive pollutants which decimated our fishing and shell fishing industries and set back the regional economies.

Today, Long Island Sound generates \$5 billion annually for the regional economy from commercial and pleasure boating, commercial and sport fishing and other forms of tourism. It should be easy to understand why it is imperative to preserve this flourishing economy and the splendor of its environment for the benefit of over 10 million people who live within the Long Island Sound watershed alone.

Placing a floating terminal in this location threatens to jeopardize its precious ecosystem, the regional economy and the delicate balance between environmental preservation and energy independence that we have worked so hard to achieve.

Mr. Chairman, my amendment is not intended to weaken the case for expanding our supply of natural gas. My amendment is about making sure that we don't lose sight of our environmental goals or allow preservation and conservation to take a back seat in the rush to formulate a more effective and less expensive energy policy.

I ask my colleagues on both sides of the aisle to support this amendment and work with me to make sure that we satisfy our energy needs while preserving the integrity of our natural resources.

Let me close by thanking Chairman HOBSON for his continued support for Brookhaven National Laboratory, which is in my district. Thanks to his continued support and leadership, along with the ranking member, the scientific research funded in this bill will go a long way to advance our Nation's technological edge and competitiveness.

I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN (Mr. McHUGH). The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. I thank the gentleman.

Mr. Chairman, I rise in the strongest possible opposition to this amendment. The Energy Policy Act that we voted on in a bipartisan fashion last summer on this very floor changed the way that we have to permit our liquefied natural gas facilities and has given the Federal Energy Regulatory Commission the authority, working with the States, to have the say in where to put these LNG facilities.

This particular facility is a facility that would be located in the Northeast, offshore, in a remote area. It is the only proposal of its type that is currently before the Federal Energy Regulatory Commission. If we adopt this amendment, it would preclude the FERC from even reviewing the application.

Now, the Northeast part of the United States needs energy. This particular facility, if permitted and if operated and if operated to maximum capacity, could supply up to 25 percent of the entire needs of the Northeastern United States in terms of their natural gas usage.

To adopt this amendment right now simply says to that part of the country, We don't want any more energy.

Mr. MARKEY of Massachusetts offered an amendment in committee to the bill, the energy bill that is now the law that says LNG facilities have to be located in remote areas. This facility would be located offshore in a remote area. If we are going to say no to this, we just might as well say we don't want any more facilities in the Northeast. I don't know how they are going to get energy, but if they can't get it from LNG and they can't get it from pipelines and they can't get it from drilling and they can't get it from any other area, how are they going to get it?

I strongly oppose this amendment. Let's at least let the FERC review the application. If they decide that it shouldn't be permitted, so be it. But let's at least let them look at the application.

Mr. BISHOP of New York. May I inquire as to how much time I have left?

The Acting CHAIRMAN. The gentleman from New York has 2 minutes remaining.

Mr. BISHOP of New York. If I may quickly respond to my friend from Texas. He characterizes the Long Island Sound as a remote area. That is incorrect. There are approximately 10 million people who live within a 50-mile radius of the Long Island Sound. I don't think that would fall within any reasonable description of a remote area.

Secondly, the Energy Policy Act which my friend from Texas cites

strips local government of the right to have a say in whether or not we site facilities of this type within areas. This is an effort on our part to assert some local control. Every elected official on both sides of the aisle that has responsibility for this region opposes this facility, as does the vast majority of the population.

With that, I would like to yield the balance of my time to my friend from Connecticut, Congresswoman DeLAURO.

The Acting CHAIRMAN. The gentleman from Connecticut is recognized for 1 minute.

Ms. DeLAURO. I thank the gentleman and applaud his leadership.

Remote areas, 11 miles off the coast of Connecticut, 9 miles off the coast of New York. The LNG Broadwater facility, actually, the proposal, is a vessel roughly the size of the Queen Mary. One week after passing the interior bill which dedicated \$1.8 million to cleaning up the Long Island Sound, we are now going to place this vessel in the Long Island Sound. Also, a 25-mile pipeline through the middle of what is prime ground for lobstering and for fishing. Further, the entrance to the sound might need to be temporarily closed when the LNG shipments arrive every few days, disrupting all other commerce that uses that passage.

We are going to ask the Coast Guard to enforce the zone. They are already stretched thin, but they are going to have to patrol the LNG site, which will pose a new security risk.

I will conclude by saying to you that we voted to protect the Long Island Sound and, without this amendment, who knows what other estuaries of national significance will be at risk of becoming our next industrial zone.

Support the Bishop amendment.

The Acting CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HOBSON. May I inquire how much time I have remaining?

The Acting CHAIRMAN. The gentleman from Ohio has 3 minutes remaining.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume.

I want to thank the gentleman from New York (Mr. BISHOP) for his nice comments, but, unfortunately, I have to oppose his amendment at this time.

This amendment, the problem that I have, and I understand your concern, but this would preclude FERC from going forward with its review of the Broadwater Liquefied Natural Gas project on Long Island. This proposed project is the only floating storage and regasification unit that is pending before the commission. This amendment undoes the Natural Gas Act for orderly review and decision-making process for energy infrastructure and limits energy development efforts. Further, the amendment restricts the ability of any company to use a fairly novel technological approach to siting LNG away from populated areas.

I understand that 9 miles to you is not very far and 11 miles is not far to you. But I think that is what we have this system for, is to allow the system to be fairly looked at and make a determination if they agree. Frankly, all FERC authorizations are still subject to judicial review.

I understand the concerns that people have here. There is always the NIMB effect in everything as we look around, and I understand that. But I think the best course of action is allow FERC to consider the application and consider public comments, issue the orders that are best in the public interest, and if people disagree with that, there are still courses open to them. But to start this sort of process in this bill, I think, is inappropriate.

I would have to oppose the amendment at this time.

I yield back the balance of my time. The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BISHOP).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. BISHOP of New York. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

Mr. HOBSON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATHAM) having assumed the chair, Mr. McHUGH, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5427) making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes, had come to no resolution thereon.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5037. An act to amend title's 38 and 18, United States Code, to prohibit certain demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery, and for other purposes.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5429, AMERICAN-MADE ENERGY AND GOOD JOBS ACT

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109-480) on the resolution (H. Res. 835) providing for

consideration of the bill (H.R. 5429) to direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain of Alaska, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5441, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109-481) on the resolution (H. Res. 836) providing for consideration of the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 832 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5427.

□ 1812

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5427) making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes, with Mr. McHUGH (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on the amendment by the gentleman from New York (Mr. BISHOP) had been postponed and the bill had been read through page 47, line 2.

AMENDMENT OFFERED BY MR. LYNCH

Mr. LYNCH. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LYNCH:

Page 47, after line 2, insert the following:

SEC. 503. (a) The Secretary of Energy, in cooperation with appropriate public and private entities, shall develop a plan to respond to potential disruptions in worldwide oil and natural gas production. Such plan shall include—

(1) identifying and assessing all threats to current oil and natural gas supplies that would result in a disruption of greater than 5 percent of the current oil and gas supply;

(2) formulating contingencies for acquiring, diverting, or reallocating available oil and gas supplies to mitigate disruptions to United States security and economic stability; and

(3) formulating a plan for allocating available resources in the event that rationing becomes necessary.

(b)(1) Within 90 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Energy and Natural Resources and the House of Representatives Committee on Energy and Commerce a report containing the assessment and prioritized recommendations required by subsection (a) and an estimate of the cost to implement such recommendations.

(2) The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Massachusetts (Mr. LYNCH) and a Member opposed each will control 5 minutes.

Mr. HOBSON. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. The gentleman reserves a point of order.

The Chair recognizes the gentleman from Massachusetts.

Mr. LYNCH. Thank you, Mr. Chairman.

Mr. Chairman, my amendment simply asks that the Energy Department develop a plan to respond to potential disruptions in worldwide oil and natural gas production and distribution.

Throughout the last year, we have witnessed a 38 percent spike in the price of crude oil and concurrently a sharp rise in the average cost of gasoline to American families, reaching over \$3 a gallon. In recent weeks, crude oil prices have risen to over \$70 a barrel.

Among the chief factors that have been cited in the cause of the recent spike has been increased worldwide consumption and demand as countries such as China and India have experienced significant economic growth. China alone over the past 4 years is responsible for 40 percent of new demand around the globe.

However, it is the United States that remains the world's leading oil consumer, consuming over 20 million barrels a day, while producing only about 7 million barrels a day. Notably, our high oil consumption, coupled with the weakened reserve position, means that the United States for the most part will continue to rely on world markets for its crude oil supply. Currently, 70 percent of U.S. oil consumption is projected to be satisfied by imports of crude oil and petroleum products by the year 2025.

□ 1815

Regrettably, our growing dependence on foreign oil not only poses a substantial risk to our economic security but may also serve to compromise the effectiveness of American foreign policy, as high domestic demand leaves the

United States susceptible to the threat of hostile oil-related political reactions by foreign governments in oil-producing countries.

Iran, for example, is the second largest producer within OPEC and has repeatedly issued thinly veiled supply interruption threats in response to our efforts to curb that country's uranium enrichment program. In Venezuela, President Hugo Chavez, whose country is the United States' fifth largest source of crude imports, has asserted the possibility of retaliatory actions stemming from his opposition to U.S. policy.

It is clear that our overall economy is severely impacted by the spikes in crude oil and the prices of gasoline. The growing uncertainty of the oil reserves available to the United States is also greatly called into question. As long as we as a Nation continue our addiction to foreign oil, we will be beholden to the actions of these rogue states.

Last week, in a Government Reform Subcommittee, we heard the Under Secretary of Energy say that in the event of any disruption of any of these major players around the globe that supply us with oil and natural gas, we would have to immediately go to the U.S. Strategic Petroleum Reserve to satisfy any shortage. That is not a good long-term solution.

We have had threats in the past. We had Arab oil embargoes in this country back in 1973, and we had a plan in place to deal with that shortage. Right now, according to the Secretary of the Energy Department, we have no surplus reserves. We have no untapped reserves in the event of a shortage.

This amendment would call on the Energy Department to develop such a plan to deal with these contingencies, to deal with reallocations and to deal with the crisis that would develop in the event that any of these countries discontinued their supply of oil to the United States.

Mr. Chairman, I realize that you can only do so much in any one bill, and I thank the chairman and the ranking member for all their good work on this bill, but this is something that needs to happen, and I just ask the chairman and the ranking member to work with me to force the Department of Energy to develop this plan.

Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. HOBSON. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and therefore violates clause 2 of rule XXI.

The rule states, in pertinent part: An amendment to a general appropriations bill shall not be in order if it changes existing law.

The amendment gives affirmative direction, in effect, and, therefore, is legislation on an appropriations bill.

I ask for a ruling of the Chair.

The Acting CHAIRMAN (Mr. McHUGH). The gentleman makes a point of order against the amendment.

Does any Member wish to be heard on the point of order?

Mr. LYNCH. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. The gentleman asks unanimous consent to withdraw his amendment.

Hearing no objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. ENGEL

Mr. ENGEL. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ENGEL:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used in contravention of section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. ENGEL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. ENGEL. Mr. Chairman, I yield myself such time as I may consume.

I will be brief and submit most of my statement for the record, but essentially this is the same language that was adopted yesterday on the agriculture appropriations bill.

Basically, it is a reminder to the agencies that Congress has created and that Congress continues to fund that they need to follow the laws that Congress enacts. A law was enacted in 1992 which stated that, by 1999, 75 percent of the new vehicles acquired must be alternative-fuel vehicles. We aren't even close to 75 percent.

So this is something that I believe that all Departments should do. The Department of Energy purchased 1,724 cars last year, of which 927 were gasoline powered, meaning that 47 percent were alternative. That is nowhere near the 75 percent.

Again, I will submit most of this for the RECORD, but my amendment would mandate they essentially follow congressional law and get the purchase of alternative-fuel vehicles up to 75 percent.

Mr. Chairman, President Bush was right to say we are addicted to oil. But now we in Congress need to take action. We need to take this action because it is in the interest of our national security.

We need bold action to end this addiction. We need ethanol—not as an additive but as a full fledged alternative.

I believe we need to get a more flexible fuel vehicle on the road. And, I believe we should use the purchasing power of the Federal Government to pursue this.

Now some may not like the Federal Government interfering in markets. To this I would respond, this is about national security and that

is the Federal Government's responsibility. And with the war on terror, we must look at all options—not just putting our military overseas but what we can do right here at home.

Some might not like the Federal Government interfering with consumer's choices. To this I would respond that the U.S. Government is the largest consumer of goods and services on the planet. And to meet our responsibility to protect the American people, we have to take this step toward weaning ourselves from foreign oil.

Furthermore, Congress has already spoken on this issue, however the Administrations—both Democratic and Republican Administrations—have failed to comply.

Let's take this first step and use the Federal Government's purchasing power to make alternative fuels a reality.

Mr. Chairman, I yield back the balance of my time.

Mr. HOBSON. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. I will accept the time and will just say that I accept the gentleman's amendment and, therefore, yield back any time that I may have.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ENGEL).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. DEAL of Georgia.

Amendment by Mr. MARKEY of Massachusetts.

Amendment by Ms. DELAURO of Connecticut.

Amendment by Mr. ANDREWS of New Jersey.

Amendment by Ms. BERKLEY of Nevada.

Amendment by Mr. MARKEY of Massachusetts.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. DEAL OF GEORGIA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. DEAL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 216, noes—201, answered “present” 6, not voting 9, as follows:

[Roll No. 196]

AYES—216

Ackerman	Gutknecht	Obey
Allen	Hall	Oliver
Andrews	Hart	Pascarell
Baca	Hastings (WA)	Payne
Baird	Hayworth	Pelosi
Baldwin	Hensarling	Pence
Barrett (SC)	Higgins	Peterson (MN)
Barrow	Hinchee	Peterson (PA)
Bartlett (MD)	Hoekstra	Petri
Barton (TX)	Holden	Pickering
Bass	Honda	Pitts
Beauprez	Hooley	Platts
Becerra	Hoyer	Poe
Bishop (GA)	Hyde	Price (GA)
Bishop (NY)	Inglis (SC)	Price (NC)
Blackburn	Israel	Pryce (OH)
Blumenauer	Issa	Ramstad
Boehner	Jackson (IL)	Rangel
Bono	Jackson-Lee	Reichert
Boren	(TX)	Renzi
Boswell	Jefferson	Rogers (MI)
Boustany	Johnson, E. B.	Rohrabacher
Bradley (NH)	Jones (NC)	Rothman
Brady (PA)	Jones (OH)	Ruppersberger
Burgess	Kildee	Rush
Butterfield	Kilpatrick (MI)	Ryan (OH)
Buyer	Kind	Ryan (WI)
Calvert	King (IA)	Salazar
Capito	Kingston	Sanchez, Loretta
Capuano	Kirk	Sanders
Cardin	Kline	Schakowsky
Cardoza	Kolbe	Schwarz (MI)
Carnahan	Langevin	Scott (GA)
Carson	Lantos	Scott (VA)
Case	Larsen (WA)	Serrano
Clay	Larson (CT)	Sessions
Cleaver	Latham	Shadegg
Cole (OK)	Leach	Shays
Conaway	Lee	Sherman
Conyers	Levin	Sherwood
Cooper	Lewis (GA)	Shimkus
Costa	Lipinski	Shuster
Costello	Lofgren, Zoe	Simpson
Crowley	Lowe	Smith (TX)
Culberson	Lynch	Sodrel
Cummings	Maloney	Solis
Davis (CA)	Manzullo	Souder
Davis (IL)	Marchant	Spratt
Deal (GA)	Markey	Stark
DeFazio	Marshall	Strickland
Delahunt	Matheson	Sullivan
DeLauro	McCaul (TX)	Tancred
Dent	McCollum (MN)	Tauscher
Dingell	McDermott	Thompson (CA)
Drake	McGovern	Thompson (MS)
Duncan	McHenry	Tierney
Emanuel	McKeon	Towns
English (PA)	McKinney	Upton
Eshoo	McMorris	Van Hollen
Fattah	McNulty	Velázquez
Ford	Meehan	Wamp
Fox	Meek (FL)	Watson
Frank (MA)	Meeks (NY)	Watt
Franks (AZ)	Melancon	Waxman
Garrett (NJ)	Miller (NC)	Weiner
Gillmor	Miller, Gary	Westmoreland
Gingrey	Miller, George	Wicker
Gohmert	Moore (WI)	Wilson (SC)
Gonzalez	Murphy	Woolsey
Gordon	Myrick	Wu
Green (WI)	Neugebauer	Young (AK)
Grijalva	Norwood	
Gutierrez	Oberstar	

NOES—201

Abercrombie	Brown (OH)	Cuellar
Aderholt	Brown (SC)	Davis (AL)
Akin	Brown, Corrine	Davis (FL)
Alexander	Brown-Waite,	Davis (TN)
Bachus	Ginny	Davis, Jo Ann
Baker	Burton (IN)	Davis, Tom
Bean	Camp (MI)	DeLay
Berkley	Campbell (CA)	Diaz-Balart, L.
Berman	Cannon	Diaz-Balart, M.
Berry	Cantor	Dicks
Biggert	Capps	Doggett
Bilirakis	Carter	Doolittle
Bishop (UT)	Castle	Doyle
Blunt	Chabot	Dreier
Boehlert	Chandler	Edwards
Bonilla	Chocola	Ehlers
Bonner	Clyburn	Emerson
Boozman	Coble	Engel
Boucher	Cramer	Etheridge
Boyd	Crenshaw	Everett
Brady (TX)	Cubin	Farr

Feeney	Lungren, Daniel	Rogers (KY)
Ferguson	E.	Ros-Lehtinen
Flake	Mack	Ross
Foley	Matsui	Roybal-Allard
Forbes	McCarthy	Royce
Fortenberry	McCotter	Ryun (KS)
Fossella	McCrery	Sabo
Frelinghuysen	McHugh	Sánchez, Linda
Gallegly	McIntyre	T.
Gibbons	Mica	Saxton
Gilchrest	Michaud	Schiff
Goode	Millender-	Schmidt
Goodlatte	McDonald	Schwartz (PA)
Granger	Miller (FL)	Sensenbrenner
Graves	Miller (MI)	Shaw
Green, Al	Mollohan	Simmons
Green, Gene	Moore (KS)	Slaughter
Harman	Moran (KS)	Smith (NJ)
Harris	Moran (VA)	Smith (WA)
Hastings (FL)	Murtha	Stearns
Hefley	Musgrave	Stupak
Herger	Nadler	Sweeney
Herseth	Napolitano	Tanner
Hinojosa	Neal (MA)	Taylor (MS)
Hobson	Ney	Taylor (NC)
Holt	Northup	Terry
Hostettler	Nunes	Thomas
Hulshof	Nussle	Thornberry
Hunter	Ortiz	Tiahrt
Inslee	Osborne	Tiberi
Istook	Otter	Turner
Jindal	Owens	Udall (CO)
Johnson (CT)	Oxley	Udall (NM)
Johnson (IL)	Pallone	Visclosky
Johnson, Sam	Pastor	Walden (OR)
Kanjorski	Paul	Walsh
Kaptur	Pearce	Wasserman
Keller	Pombo	Schultz
Kelly	Pomeroy	Waters
King (NY)	Porter	Weldon (FL)
Knollenberg	Putnam	Weldon (PA)
Kuhl (NY)	Radanovich	Weller
LaHood	Rahall	Wexler
LaTourette	Regula	Whitfield
Lewis (CA)	Rehberg	Wilson (NM)
Lewis (KY)	Reyes	Wolf
LoBiondo	Reynolds	Young (FL)
Lucas	Rogers (AL)	

ANSWERED “PRESENT”—6

Davis (KY)	Filner	Jenkins
DeGette	Hayes	Kucinich

NOT VOTING—9

Evans	Kennedy (MN)	Skelton
Fitzpatrick (PA)	Kennedy (RI)	Snyder
Gerlach	Linder	Wynn

□ 1853

Mr. CAMP, Ms. LINDA T. SÁNCHEZ of California, Mr. NEAL of Massachusetts, Mrs. KELLY, Mr. BERMAN, Mr. CLYBURN and Mrs. CAPPS changed their vote from “aye” to “no.”

Ms. VELÁZQUEZ, Ms. SOLIS, Mr. ENGLISH of Pennsylvania, Mr. TANCREDO, Ms. LEE, Mr. ISRAEL, Mr. McDERMOTT, Mr. GARRETT of New Jersey, Ms. WOOLSEY, Messrs. PRICE of North Carolina, DELAHUNT, CLEAVER, ROTHMAN, CALVERT, BRADLEY of New Hampshire, SIMPSON, CLAY, RANGEL, BARTLETT of Maryland, MEEKS of New York, Kind, BISHOP of New York, PLATTS, DENT, Ms. MOORE of Wisconsin, Mr. OBEY, Ms. HART, Ms. BALDWIN, Messrs. BEAUPREZ, SHAYS, KING of Iowa, REICHERT, HONDA, RAMSTAD, SMITH of Texas, OBERSTAR, and Miss McMORRIS changed their vote from “no” to “aye.”

Ms. FOXX changed her vote from “present” to “aye.”

Mr. HAYES changed his vote from “no” to “present.”

Mr. JENKINS changed his vote from “aye” to “present.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FITZPATRICK of Pennsylvania. Mr. Chairman, on rollcall No. 196, The Deal Amendment to H.R. 5427, I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MR. MARKEY

The Acting CHAIRMAN (Mr. CONAWAY). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 128, noes 295, not voting 9, as follows:

[Roll No. 197]

AYES—128

Abercrombie	Grijalva	Neal (MA)
Allen	Gutierrez	Oberstar
Andrews	Harman	Obey
Baca	Hastings (FL)	Olver
Baird	Higgins	Owens
Baldwin	Hinche	Pallone
Becerra	Holt	Pascarell
Berkley	Honda	Paul
Berman	Hooley	Payne
Bishop (NY)	Inslee	Pelosi
Blumenauer	Israel	Petri
Brown (OH)	Jackson (IL)	Pomeroy
Capps	Jackson-Lee	Porter
Capuano	(TX)	Rangel
Cardin	Jones (NC)	Ryan (OH)
Carnahan	Kelly	Sabo
Carson	Kildee	Sánchez, Linda T.
Case	Kilpatrick (MI)	Sanders
Chandler	Kucinich	Schakowsky
Clay	Langevin	Schwartz (PA)
Cleaver	Lantos	Sensenbrenner
Clyburn	Larson (CT)	Serrano
Conyers	Lee	Sherman
Cummings	Levin	Slaughter
Davis (CA)	Lewis (GA)	Smith (WA)
Davis (FL)	Lofgren, Zoe	Solis
Davis (IL)	Lowey	Spratt
DeFazio	Lynch	Stark
DeGette	Maloney	Tanner
Delahunt	Markey	Terry
DeLauro	Matheson	Thompson (CA)
Dingell	Matsui	Thompson (MS)
Doggett	McCollum (MN)	Tierney
Duncan	McDermott	Udall (CO)
Emanuel	McGovern	Udall (NM)
Engel	McKinney	Van Hollen
Eshoo	McNulty	Velázquez
Farr	Meehan	Waters
Fattah	Millender-	Watson
Filner	McDonald	Waxman
Flake	Miller, George	Wexler
Ford	Moore (WI)	Woolsey
Frank (MA)	Nadler	
Gibbons	Napolitano	

NOES—295

Ackerman	Berry	Boren
Aderholt	Biggart	Boswell
Akin	Bilirakis	Boucher
Alexander	Bishop (GA)	Boustany
Bachus	Bishop (UT)	Boyd
Baker	Blackburn	Bradley (NH)
Barrett (SC)	Blunt	Brady (PA)
Barrow	Boehert	Brady (TX)
Bartlett (MD)	Boehner	Brown (SC)
Barton (TX)	Bonilla	Brown, Corrine
Bass	Bonner	Brown-Waite,
Bean	Bono	Ginny
Beauprez	Boozman	Burgess

Burton (IN)	Hoyer	Poe
Butterfield	Hulshof	Pombo
Buyer	Hunter	Price (GA)
Calvert	Hyde	Price (NC)
Camp (MI)	Inglis (SC)	Pryce (OH)
Campbell (CA)	Issa	Putnam
Cannon	Istook	Radanovich
Cantor	Jefferson	Rahall
Capito	Jenkins	Ramstad
Cardoza	Jindal	Regula
Carter	Johnson (CT)	Rehberg
Castle	Johnson (IL)	Reichert
Chabot	Johnson, E. B.	Renzi
Chocola	Johnson, Sam	Reyes
Coble	Jones (OH)	Reynolds
Cole (OK)	Kanjorski	Rogers (AL)
Conaway	Kaptur	Rogers (KY)
Cooper	Keller	Rogers (MI)
Costa	Kind	Rohrabacher
Costello	King (IA)	Ros-Lehtinen
Cramer	King (NY)	Ross
Crenshaw	Kingston	Rothman
Crowley	Kirk	Roybal-Allard
Cubin	Kline	Royce
Cuellar	Knollenberg	Ruppersberger
Culberson	Kolbe	Rush
Davis (AL)	Kuhl (NY)	Ryan (WI)
Davis (KY)	LaHood	Ryun (KS)
Davis (TN)	Larsen (WA)	Salazar
Davis, Jo Ann	Latham	Sanchez, Loretta
Davis, Tom	LaTourette	Saxton
Deal (GA)	Leach	Schiff
DeLay	Lewis (CA)	Schmidt
Dent	Lewis (KY)	Schwarz (MI)
Diaz-Balart, L.	Lipinski	Scott (GA)
Diaz-Balart, M.	LoBiondo	Scott (VA)
Dicks	Lucas	Sessions
Doolittle	Lungren, Daniel E.	Shadegg
Doyle	Mack	Shaw
Drake	Manzullo	Shays
Dreier	Marchant	Sherwood
Edwards	Marshall	Shimkus
Ehlers	McCarthy	Shuster
Emerson	McCaul (TX)	Simpson
English (PA)	McCotter	Smith (NJ)
Etheridge	McCrery	Smith (TX)
Everett	McHenry	Sodrel
Ferguson	McHugh	Souder
Foley	McIntyre	Stearns
Forbes	McKeon	Strickland
Fortenberry	McMorris	Stupak
Fossella	Meek (FL)	Sullivan
Fox	Meeks (NY)	Sweeney
Franks (AZ)	Melancon	Tancred
Frelinghuysen	Mica	Tauscher
Gallely	Michaud	Taylor (MS)
Garrett (NJ)	Miller (FL)	Taylor (NC)
Gilchrest	Miller (MI)	Thomas
Gillmor	Miller (NC)	Thornberry
Gingrey	Miller, Gary	Tiahrt
Gohmert	Mollohan	Tiberi
Gonzalez	Moore (KS)	Towns
Goode	Moran (KS)	Turner
Goodlatte	Moran (VA)	Upton
Gordon	Murphy	Visclosky
Granger	Murtha	Walden (OR)
Graves	Musgrave	Walsh
Green (WI)	Myrick	Wamp
Green, Al	Neugebauer	Wasserman
Green, Gene	Ney	Schultz
Gutknecht	Northup	Watt
Hall	Norwood	Weiner
Harris	Nunes	Weldon (FL)
Hart	Nussle	Weldon (PA)
Hastings (WA)	Ortiz	Weller
Hayes	Osborne	Westmoreland
Hayworth	Otter	Whitfield
Hefley	Oxley	Wicker
Hensarling	Pastor	Wilson (NM)
Herger	Pearce	Wilson (SC)
Herseth	Pence	Wolf
Hinojosa	Peterson (MN)	Wu
Hobson	Peterson (PA)	Young (AK)
Hoekstra	Pickering	Young (FL)
Holden	Pitts	
Hostettler	Platts	

NOT VOTING—9

Evans	Kennedy (MN)	Skelton
Fitzpatrick (PA)	Kennedy (RI)	Snyder
Gerlach	Linder	Wynn

□ 1901

Mr. RUSH changed his vote from "aye" to "no."

Mr. DUNCAN changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FITZPATRICK of Pennsylvania. Mr. CHAIRMAN, on Rollcall No. 197, the Markey Amendment to HR 5427, I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MS. DELAURO

The Acting CHAIRMAN (Mr. MCHUGH). The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 217, noes 204, not voting 11, as follows:

[Roll No. 198]

AYES—217

Abercrombie	Delahunt	Kucinich
Ackerman	DeLauro	Langevin
Aderholt	Dent	Lantos
Allen	Dicks	Larsen (WA)
Andrews	Dingell	Larson (CT)
Baca	Doggett	Lee
Baird	Doyle	Levin
Baldwin	Edwards	Lewis (GA)
Barrow	Emanuel	Lewis (KY)
Bartlett (MD)	Engel	Lipinski
Bass	Eshoo	Lofgren, Zoe
Bean	Etheridge	Lowey
Beauprez	Farr	Lynch
Becerra	Fattah	Maloney
Berkley	Filner	Markey
Berman	Ford	Marshall
Berry	Fortenberry	Matsui
Bishop (GA)	Frank (MA)	McCarthy
Bishop (NY)	Gibbons	McCollum (MN)
Blumenauer	Gilchrest	McCotter
Boren	Gonzalez	McDermott
Boswell	Gordon	McGovern
Boucher	Green (WI)	McIntyre
Bradley (NH)	Green, Al	McKinney
Brady (PA)	Green, Gene	McMorris
Brown (OH)	Grijalva	McNulty
Brown, Corrine	Gutierrez	Meehan
Butterfield	Harman	Meek (FL)
Camp (MI)	Hastings (FL)	Meeks (NY)
Capps	Hayworth	Melancon
Capuano	Hefley	Michaud
Cardin	Herseth	Millender-
Cardoza	Higgins	McDonald
Carnahan	Hinche	Miller (NC)
Carson	Hinojosa	Miller, George
Case	Holden	Moore (KS)
Chandler	Holt	Moore (WI)
Clay	Honda	Moran (VA)
Cleaver	Hooley	Murphy
Clyburn	Inslee	Nadler
Conyers	Israel	Napolitano
Cooper	Jackson (IL)	Neal (MA)
Costa	Jackson-Lee	Nussle
Costello	(TX)	Oberstar
Crowley	Jefferson	Obey
Cubin	Jindal	Olver
Cuellar	Johnson (CT)	Ortiz
Cummings	Johnson (IL)	Owens
Davis (AL)	Johnson, E. B.	Pallone
Davis (CA)	Jones (OH)	Pascarell
Davis (FL)	Kanjorski	Payne
Davis (IL)	Kaptur	Pelosi
Davis (KY)	Kelly	Peterson (MN)
Davis (TN)	Kildee	Platts
DeFazio	Kilpatrick (MI)	Pomeroy
DeGette	Kind	Porter

Price (NC)
Ramstad
Rangel
Renzi
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Schakowsky

Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)

Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Woolsey
Wu

NOES—204

Akin
Alexander
Bachus
Baker
Barrett (SC)
Barton (TX)
Biggart
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Boyd
Brady (TX)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Culberson
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert

NOT VOTING—11

Evans
Fitzpatrick (PA)
Gerlach
Issa

Istook
Kennedy (MN)
Kennedy (RI)
Linder

Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Manzullo
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

The result of the vote was announced as above recorded.

Stated for:

Mr. FITZPATRICK of Pennsylvania. Mr. Chairman, on rollcall No. 198, the DeLauro Amendment to H.R. 5427, I was unavoidably detained. Had I been present, I would have voted “aye.”

AMENDMENT OFFERED BY MR. ANDREWS

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 227, noes 195, not voting 10, as follows:

[Roll No. 199]

AYES—227

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett

Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Feeney
Filner
Flake
Ford
Fortenberry
Frank (MA)
Franks (AZ)
Garrett (NJ)
Gibbons
Gilchrist
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutiérrez
Gutknecht
Harman
Hastings (FL)
Hefley
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jindal
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kelly
Kildee
Kilpatrick (MI)
Kind
King (IA)
Kirk
Kucinich
Langevin
Lantos

Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lungren, Daniel
E.
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-
McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascarell
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pitts
Platts
Pomeroy
Porter
Price (GA)

Price (NC)
Ramstad
Rangel
Reyes
Rogers (MI)
Rohrabacher
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff

Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shadegg
Sherman
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns

NOES—195

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barton (TX)
Beauprez
Biggart
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Ferguson
Foley
Forbes
Fossella
Foxx
Frelinghuysen
Gallegly

Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Kaptur
Keller
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Mack
Manzullo
Marchant
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood

NOT VOTING—10

Evans
Fitzpatrick (PA)
Gerlach
Kennedy (MN)

Kennedy (RI)
Linder
Nunes
Skelton

Osborne
Otter
Oxley
Pastor
Pearce
Pence
Peterson (PA)
Pickering
Poe
Pombo
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roybal-Allard
Royce
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

□ 1908

So the amendment was agreed to.

□ 1916

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FITZPATRICK of Pennsylvania. Mr. Chairman, on rollcall No. 199, the Andrews Amendment to H.R. 5427, I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MS. BERKLEY

The Acting CHAIRMAN (Mr. MCHUGH). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Nevada (Ms. BERKLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 147, noes 271, not voting 14, as follows:

[Roll No. 200]

AYES—147

Abercrombie	Hastings (FL)	Owens
Ackerman	Higgins	Pallone
Andrews	Hinchey	Pascarella
Baca	Holt	Paul
Baird	Honda	Payne
Baldwin	Hoolley	Pelosi
Barrow	Hoyer	Peterson (MN)
Bean	Israel	Porter
Becerra	Jackson (IL)	Rahall
Berkley	Jackson-Lee	Rangel
Berman	(TX)	Reyes
Bishop (NY)	Jefferson	Rothman
Bishop (UT)	Jindal	Rothman
Blumenauer	Johnson, E. B.	Roybal-Allard
Boren	Jones (NC)	Ruppersberger
Boyd	Jones (OH)	Ryan (OH)
Brown, Corrine	Kildee	Salazar
Butterfield	Kilpatrick (MI)	Sánchez, Linda
Capps	Kucinich	T.
Capuano	Langevin	Sanchez, Loretta
Cardoza	Lantos	Sanders
Carnahan	Larsen (WA)	Schakowsky
Carson	Larson (CT)	Schiff
Chandler	Lee	Schwartz (PA)
Chocola	Lewis (GA)	Scott (GA)
Cleaver	Lofgren, Zoe	Sherman
Conyers	Lowey	Slaughter
Crowley	Maloney	Smith (WA)
Cummings	Markey	Solis
Davis (AL)	Matheson	Souder
Davis (CA)	Matsui	Stark
Davis (IL)	McCollum (MN)	Tanner
Davis (TN)	McDermott	Thompson (CA)
DeFazio	McGovern	Thompson (MS)
DeGette	McKeon	Tierney
DeLauro	McNulty	Towns
Dingell	Meehan	Udall (CO)
Doggett	Melancon	Udall (NM)
Emanuel	Michaud	Van Hollen
Engel	Millender	Velázquez
Eshoo	McDonald	Wasserman
Farr	Miller, George	Schultz
Filner	Moore (KS)	Waters
Flake	Moore (WI)	Watson
Frank (MA)	Nadler	Watt
Gibbons	Napolitano	Waxman
Gonzalez	Neal (MA)	Weiner
Green, Al	Oberstar	Wexler
Grijalva	Obey	Woolsey
Harman	Oliver	Wu
Hart	Ortiz	

NOES—271

Aderholt	Bachus	Barton (TX)
Akin	Baker	Bass
Alexander	Barrett (SC)	Beauprez
Allen	Bartlett (MD)	Berry

Biggart	Granger	Nussle
Billirakis	Graves	Osborne
Bishop (GA)	Green (WI)	Otter
Blackburn	Green, Gene	Oxley
Blunt	Gutierrez	Pastor
Boehlert	Gutknecht	Pearce
Boehner	Hall	Pence
Bonilla	Harris	Peterson (PA)
Bonner	Hastings (WA)	Petri
Boozman	Hayes	Pickering
Boswell	Hayworth	Pitts
Boucher	Hefley	Platts
Boustany	Hensarling	Poe
Bradley (NH)	Herger	Pombo
Brady (PA)	Herseth	Pomeroy
Brady (TX)	Hinojosa	Price (GA)
Brown (OH)	Hobson	Price (NC)
Brown (SC)	Hoekstra	Pryce (OH)
Brown-Waite,	Holden	Putnam
Ginny	Hostettler	Radanovich
Burgess	Hulshof	Ramstad
Burton (IN)	Hunter	Regula
Buyer	Hyde	Rehberg
Calvert	Inglis (SC)	Reichert
Camp (MI)	Inslee	Renzi
Campbell (CA)	Issa	Reynolds
Capito	Istook	Rogers (AL)
Cardin	Jenkins	Rogers (KY)
Carter	Johnson (CT)	Rogers (MI)
Case	Johnson (IL)	Rohrabacher
Castle	Johnson, Sam	Ros-Lehtinen
Chabot	Kanjorski	Ross
Clay	Kaptur	Royce
Clyburn	Keller	Rush
Coble	Kelly	Ryan (WI)
Cole (OK)	Kind	Ryun (KS)
Conaway	King (IA)	Sabo
Cooper	King (NY)	Saxton
Costa	Kingston	Schmidt
Costello	Kirk	Schwarz (MI)
Cramer	Kline	Scott (VA)
Crenshaw	Knollenberg	Sensenbrenner
Cubin	Kolbe	Serrano
Cuellar	Kuhl (NY)	Sessions
Culberson	LaHood	Shadegg
Davis (FL)	Latham	Shaw
Davis (KY)	LaTourette	Shays
Davis, Jo Ann	Leach	Sherwood
Davis, Tom	Levin	Shimkus
Deal (GA)	Lewis (CA)	Shuster
Delahunt	Lewis (KY)	Simmons
DeLay	Lipinski	Simpson
Dent	LoBiondo	Smith (NJ)
Diaz-Balart, L.	Lucas	Smith (TX)
Diaz-Balart, M.	Lungren, Daniel	Sodrel
Dicks	E.	Spratt
Doolittle	Lynch	Stearns
Doyle	Strickland	Hoyer
Drake	Manzullo	Stupak
Dreier	Marchant	Sullivan
Duncan	Marshall	Sweeney
Edwards	McCarthy	Tancredo
Ehlers	McCaul (TX)	Tauscher
Emerson	McCotter	Taylor (MS)
English (PA)	McCrery	Taylor (NC)
Etheridge	McHenry	Terry
Everett	McHugh	Thomas
Fattah	McIntyre	Thornberry
Feeney	McMorris	Tiahrt
Ferguson	Meek (FL)	Tiberi
Foley	Meeks (NY)	Turner
Forbes	Mica	Upton
Ford	Miller (FL)	Visclosky
Fortenberry	Miller (MI)	Walden (OR)
Fossella	Miller (NC)	Walsh
Fox	Miller, Gary	Wamp
Franks (AZ)	Mollohan	Weldon (FL)
Frelinghuysen	Moran (KS)	Weldon (PA)
Galleghy	Moran (VA)	Weller
Garrett (NJ)	Murphy	Westmoreland
Gilchrest	Murtha	Whitfield
Gillmor	Murphy	Wicker
Gingrey	Myrick	Wilson (NM)
Gohmert	Neugebauer	Wilson (SC)
Goode	Northup	Wolf
Goodlatte	Norwood	Young (AK)
Gordon	Nunes	Young (FL)

NOT VOTING—14

Bono	Gerlach	Ney
Cannon	Kennedy (MN)	Skelton
Cantor	Kennedy (RI)	Snyder
Evans	Linder	Wynn
Fitzpatrick (PA)	McKinney	

□ 1922

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mrs. BONO. Mr. Chairman, on rollcall No. 200 I was unavoidably detained. Had I been present, I would have voted "no."

Mr. FITZPATRICK of Pennsylvania. Mr. Chairman, on rollcall No. 200, the Berkley Amendment to H.R. 5427, I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. MARKEY

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 161, noes 255, not voting 16, as follows:

[Roll No. 201]

AYES—161

Ackerman	Garrett (NJ)	Neal (MA)
Allen	Gordon	Oberstar
Andrews	Grijalva	Obey
Baca	Gutierrez	Oliver
Baldwin	Gutknecht	Owens
Barrow	Hastings (FL)	Pallone
Bean	Higgins	Pascarella
Becerra	Hinchey	Paul
Berkley	Holt	Payne
Berman	Honda	Pelosi
Berry	Hoolley	Platts
Bishop (NY)	Hoyer	Pomeroy
Blumenauer	Inslee	Price (NC)
Bradley (NH)	Israel	Ramstad
Brown (OH)	Jackson (IL)	Rangel
Brown-Waite,	Jones (OH)	Rohrabacher
Ginny	Kaptur	Rothman
Butterfield	Kelly	Roybal-Allard
Capps	Kildee	Royce
Cardin	Kilpatrick (MI)	Ruppersberger
Carnahan	Kind	Rush
Carson	Kline	Ryan (OH)
Case	LaHood	Sabo
Chandler	Langevin	Sánchez, Linda
Clay	Lantos	T.
Cleaver	Larson (CT)	Sanders
Conyers	Leach	Schakowsky
Cooper	Lee	Schiff
Crowley	Levin	Schwartz (PA)
Cummings	Lewis (GA)	Scott (GA)
Davis (CA)	LoBiondo	Scott (VA)
Davis (FL)	Lofgren, Zoe	Serrano
Davis (IL)	Lowey	Shays
DeFazio	Maloney	Simmons
DeGette	Markey	Slaughter
Delahunt	Matsui	Smith (NJ)
DeLauro	McCarthy	Smith (WA)
Doggett	McCollum (MN)	Solis
Doyle	McDermott	Stark
Ehlers	McGovern	Strickland
Emanuel	McIntyre	Stupak
Engel	McKinney	Tancredo
Eshoo	McNulty	Tanner
Etheridge	Meehan	Taylor (MS)
Farr	Meeks (NY)	Thompson (CA)
Fattah	Michaud	Tierney
Filner	Millender	Udall (CO)
Flake	McDonald	Van Hollen
Foley	Miller (NC)	Velázquez
Ford	Miller, George	Visclosky
Fossella	Moore (WI)	Walden (OR)
Frank (MA)	Nadler	Wasserman
Frelinghuysen	Napolitano	Schultz

Waters
WatsonWatt
WaxmanWexler
Woolsey

NOES—255

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggart
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardoza
Carter
Castle
Chabot
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Costa
Costello
Cramer
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Everett
Feeney
Ferguson
Forbes
Fortenberry
Foxy
Franks (AZ)
Gallegly
Gibbons
Gilchrest
Gillmor
Gingrey

NOT VOTING—16

Baird
Brown, Corrine
Buyer
Crenshaw
Evans
Fitzpatrick (PA)

Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Issa
Istook
Jackson-Lee
(TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
King (IA)
King (NY)
Kirk
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Lipinski
Lucas
Lungren, Daniel
E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCauley (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Meek (FL)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neugebauer

Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pastor
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Sullivan
Sweeney
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (NM)
Upton
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

□ 1929

So the amendment was rejected.
The result of the vote was announced
as above recorded.

Stated for:
Mr. FITZPATRICK of Pennsylvania. Mr. Chairman, on rollcall No. 201, the Markey amendment to H.R. 5427, I was unavoidably detained. Had I been present, I would have voted "aye."

□ 1930

Mr. HOBSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. Mr. Chairman, I seek this time in order to enter into a colloquy with Chairman HOBSON. The colloquy is regarding the construction of mooring facilities on the Tennessee-Tombigbee Waterway in Columbus, Mississippi.

A new \$800 million steel plant, SeverCorr, is bringing over 500 jobs to Lowndes County. Given that the average wages for hourly workers will approach \$70,000 annually, each one of these jobs is likely to be transformational for the families involved.

The SeverCorr project is the largest private construction project in the United States this year. A large amount of SeverCorr's raw materials and finished product will be shipped utilizing the Tennessee-Tombigbee Waterway beginning in June 2007. The company expects to use approximately 50 or 60 additional barges each month. However, there are no mooring facilities along this portion of the Tennessee-Tombigbee.

Presently, if an operator needs to moor a barge temporarily or overnight, the operator may tie the barge to one of several trees along the bank. This situation will clearly present a significant threat to navigation safety once the steel plant begins operation. Absence of a mooring facility could also present operational challenges to the smooth and safe transport of materials and inhibit this critically important economic activity.

I understand that the bill continues a moratorium on new projects by the Corps of Engineers. However, I hope the chairman will work with me to identify ways the committee can help support the important economic development taking place in my district along the Tennessee-Tombigbee.

Mr. HOBSON. I thank the gentleman for bringing this issue to my attention. I appreciate the important safety and economic justifications for construction of the mooring facility in Columbus. I understand the time limitations related to the plant's opening next year.

The gentleman is correct. This bill does contain a moratorium on new starts. However, in the event new starts are taken up in conference, this project will be a priority.

Mr. WICKER. I thank the chairman.
Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. I thank my friend for the time.

Mr. Chairman, as you know, Lake Isabella Dam in my district as of April is under a significant capacity restriction due to major concerns about the level of seepage at the base of the dam. The Army Corps of Engineers has rated Isabella Dam its top dam safety concern in the Nation. But even with that designation, the corps has informed me it would take as many as 6 years to create a permanent solution. The dam protects a half a million people as well as valuable agricultural and oil fields.

I appreciate the fact that the chairman has provided report language urging the corps to expedite the process, but I would like to discuss with the chairman what that means.

Mr. HOBSON. I thank the gentleman for bringing this issue to my attention. I share your concern about dam safety and expediting the process to take corrective action at Isabella Dam.

The corps requires additional studies to identify the exact nature of the problem and to begin fixing, but the time frame could be shortened both through additional funding and expedited procedures. I pledge to work with you to identify ways to provide both funding and procedural expediency and will also talk to the corps.

Mr. THOMAS. I thank the gentleman and look forward to working with him to find additional funding for this critical dam safety issue. If the corps has rated this their top dam safety concern, their behavior should reflect that in expressed concern. And I look forward to working with the chairman in conference to produce that, and I thank the gentleman for yielding.

Mr. HOBSON. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. The gentleman from Ohio has 1 minute remaining.

Mr. HOBSON. Mr. Chairman, I yield to the gentleman from North Carolina (Mr. MCHENRY) for a colloquy.

Mr. MCHENRY. Mr. Chairman, I certainly appreciate your leadership and the hard work of your staff and the work they put into making this appropriations bill possible. I certainly appreciate that.

I would like to discuss an important issue in my district as well in western North Carolina. In recent years, my district has seen literally thousands of furniture and textile industry jobs leave due to unfair trade practices. Right now we have an industry interested in moving to our area, but the location they prefer will require some landscaping, including moving roughly 2,000 feet of a small unnamed stream. This will require approval of the Army Corps of Engineers.

As you are well aware, the corps approval process can take many months and experience significant delays. In

my opinion, projects that provide economic development and jobs to economically distressed areas should be expedited and take priority over other permits.

Mr. HOBSON. I am aware of this situation and will certainly encourage the corps to move this project through the permitting process in an expedited manner to ensure that time is not an obstacle for economic development.

Mr. MCHENRY. I thank the chairman and look forward to working with you and your staff as this project moves forward through the permitting process. And I appreciate your willingness to help and assist through this.

Mr. HOBSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield to the gentleman from Florida.

Mr. MACK. Mr. Chairman, I rise today to engage the esteemed chairman of the subcommittee in a colloquy concerning language and funding for the health of Florida's ecosystem.

Mr. Chairman, south Florida has experienced numerous challenging issues related to Lake Okeechobee, the quantity and quality of the water coming through the Caloosahatchee River and the Everglades. This unique ecosystem and the economy surrounding it deserve the necessary resources to ensure the continuing and lasting health of our region.

Mr. Chairman, I believe it is critical that several projects be funded to maintain the health on the region's ecosystem. The first of these projects includes the modified water project to remove the unnatural barrier of US-41. The completion of this project would restore most of the natural flow of the Everglades from Lake Okeechobee.

Second, the use of ASRs, aquifer storage and recovery systems, in the water management of the lake is a critical and innovative need that will help bridge the gap between short- and long-term goals.

Third, recent reports have raised serious concerns about the integrity of the dike surrounding Lake Okeechobee. The Federal Government must not allow the critical dike to fail.

Finally, it is imperative that the United States Senate follow the lead of the House and finally pass the WRDA legislation. WRDA has several billion dollars of these important projects. The United States Government made a commitment to restore the Everglades. This House has worked to keep our commitment, and it is time for the United States Senate to act. Thankfully, with the leadership of the gentleman from Ohio, I am sure the Energy and Water Subcommittee on Appropriations will continue to be steadfast in its support of restoring south Florida's ecosystem.

Mr. HOBSON. I thank the gentleman. I want you to know I understand these problems, having spent some time in Florida as I have grandchildren there.

We funded the waters. I think I talked to you also about the river and I want to do something about that. I pledge the support of this committee to make the necessary resources available to help with vital issues.

Mr. MACK. I thank the gentleman for those remarks and his leadership on this issue. Obviously, he understands that the issues are vital to the well-being of my home State and a place where he likes to visit. I look forward to continuing to work with him.

AMENDMENT OFFERED BY MR. TIAHRT

Mr. TIAHRT. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TIAHRT:

At the end of the bill (before the short title) insert the following:

SEC. _____. None of the funds made available in this Act may be used to promulgate regulations without consideration of the effect of such regulations on the competitiveness of American businesses.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Kansas (Mr. TIAHRT) and a Member opposed each will control 5 minutes.

Mr. HOBSON. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. The gentleman reserves a point of order.

The Chair recognizes the gentleman from Kansas.

Mr. TIAHRT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is very simple. It just says we will not promulgate any regulations without considering the effect such regulations have on the competitiveness of American businesses.

Mr. Chairman, I am pleased that the President highlighted competitiveness in his State of the Union address this year. The President understands the need for helping make America more competitive. The Energy and Water Appropriations Bill, thanks to Chairman HOBSON of Ohio, fully funds the President's American Competitiveness Initiative within the Department of Energy at \$4.1 billion. Hopefully, that money will be well spent to lay the groundwork for a strong U.S. position in the future economy.

This funding will help America provide leadership in the area of science and energy research. Our teachers, engineers and scientists need resources to help them stay on the forefront of new discoveries and practical application of new technologies.

The President understands the importance of training more scientists and engineers to conduct needed research for our future economy. China currently graduates more English speaking engineers every year than we do right here in America. They are planning for the next economy.

But beyond Federal funding, the importance of science, energy and teacher

training initiatives, it is vitally important that our Federal agencies create rules in a way that do not restrict the businesses from being competitive. Federal spending, while it is important, is not the primary answer to making America more competitive. It is the private sector that creates jobs, not the government. We need to make sure that the rules and regulations are written in ways that will not harm our competitiveness.

Unnecessary burdensome regulations restrict American businesses from doing what they do best, and that is creating jobs. Other barriers beyond regulations include skyrocketing health care costs that are driven by government regulations, excess civil litigation costs that our laws allow, punitive tax policy, unenforced trade policy, a need to focus education in technical areas, and the directed research and development funds similar to what we have here in this bill.

Energy policy is another area. We must remove the barriers to lower energy costs. America currently has 103 civilian nuclear reactors that are responsible for generating 20 percent of our electrical needs. We could use more nuclear energy for our future electricity needs to reduce the demand on fossil fuels, but there are a number of obstacles in the way to these new plants from them being ordered, licensed and built.

No nuclear power plants have been built since 1978. The last one took 30 years. We have to simplify the regulations. It is important to do that in order to make America more competitive. We need to continue assisting, not hindering, commercial interests by pursuing more nuclear power plants. The more affordable we can make electricity, the more American businesses are going to benefit by having lower energy costs.

In an era when energy prices have soared, Congress needs to do everything possible to reduce the barriers in the marketplace to provide affordable energy. The more reliable and affordable sources of energy we can create in America, the more help businesses will have in creating and keeping our jobs.

Now, Mr. Chairman, I realize that the House rules view this amendment as legislating in an appropriations bill, but fighting for a strong economy is a good thing. It is good for America, and it is good for American jobs.

□ 1945

Mr. Chairman, out of respect for this process, I respectfully ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN (Mr. MCHUGH). Is there objection to the request of the gentleman from Kansas?

There was no objection.

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. INSLEE:

Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act shall be used by the Federal Energy Regulatory Commission to enforce any claim for a termination payment (as defined in any jurisdictional contract) asserted by any regulated entity the Commission has found to have violated the terms of its market-based rate authority by engaging in manipulation of market rules or exercise of market power in the Western Interconnection during the period January 1, 2000, to June 20, 2001.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, we have a very commonsense amendment that would simply say that we will not be using funds in FERC to allow FERC to rule in favor of Enron against civil utilities and several companies around the country who signed contracts with Enron.

We know what happened in Enron. They were unable to provide electricity. As a result, there was a termination of contract.

We want to make sure that FERC would not issue a ruling while discussions are going on with the parties that would require these utilities and companies to pay Enron. So it is quite a simple amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume.

Let me say this to the gentleman, I am sympathetic to the amendment, and we will probably take the amendment. I want to tell you, though, that we have some problem with what we are doing in this bill when we begin to get into this sort of regulatory adjudication process. I do not think this is the right way to go.

I understand the frustrations with Enron. I do, I think most people do, but I think we really need to let the agencies do their job. But I want you to understand we are going to take the amendment. It may need a little tinkering with as we go through the process.

Mr. Chairman, I yield back my time.

Mr. INSLEE. Mr. Chairman, we will certainly be pleased to work with the Chair if there is any tinkering necessary.

I would yield 1 minute to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Mr. Chairman, I would like to thank the chairman as well for being patient and considerate on this amendment. We know it is not perfect. We are willing to work on the issue.

I have a couple of businesses in Montana, through no fault of their own, that signed a contract with Enron. It became very apparent early that Enron was not going to be able to fulfill their responsibilities under this contract. Unfortunately, they are innocent bystanders that got included in the bankruptcy court. Ultimately, it ended up in the jurisdiction of FERC. This amendment allows an opportunity to buy them some time to come up with some kind of a mediated solution.

So I recognize it is not perfect. I want to again thank the chairman for his patience and consideration. I thank Mr. INSLEE for introducing the amendment and hope that we can pass this amendment.

Mr. INSLEE. Mr. Chairman, I yield 30 seconds to the gentleman from Washington (Mr. LARSEN), who has done a great job on this issue for years.

Mr. LARSEN of Washington. Mr. Chairman, I wish to quickly say thank you to the chairman of the subcommittee for agreeing to accept the amendment.

There is a great amount of frustration in Washington State, all over Washington State. I represent an area that is the largest public utility district. I represent an area that has the only aluminum plant still standing because all the other aluminum plants had to go out of business because of some manipulation that took place on the market with Enron.

We just want some time, some space for the parties to work this out, and this amendment will do that, and I appreciate the chairman's willingness to let us move forward.

Mr. INSLEE. I want to thank the Chair for his accommodation of this issue. I do not want these termination clauses to yield an unjust result. This will give us time to move forward.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY Mr. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HEFLEY:

Page 47, after line 2, insert the following new section:

SEC. 503. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1 percent.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. HEFLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

This amendment is similar to others that I have offered over the past 4 years. It would cut total spending in the bill by 1 percent, one penny on the dollar, or \$300,170,000.

Now, I do not need to go into great explanation about this because everybody knows exactly what it is, and we also know pretty much the result.

I would also like to say Mr. HOBSON's argument would be that he has already done a good deal of cutting in here, and indeed, he has, and I commend him for it. He is extremely conscientious when it comes to the spending of government money, but I would point out that we just started the appropriations process, but if we had passed the Hefley amendments that I have offered on the few bills that we have had so far we would have saved \$747,350,000. Three-quarters of \$1 billion we would have saved already.

We have just started the appropriations process. So it is not insignificant, even though it is only a penny on the dollar, and for these reasons, I offer this amendment and urge its support.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume.

I think I said this to Mr. HEFLEY maybe last year. He follows in some great footsteps in offering this amendment, in my opinion, because part of my district used to be represented by Clarence Miller from Ohio, and Clarence Miller I think had the distinction of either 1 percent or 10 percent, Clarence, when he was here doing this. He is still alive and very active, but I reluctantly think that we have already got too many problems in this bill on trying to fund things adequately. So I would oppose this amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKEY).

Mr. VISCLOSKEY. Mr. Chairman, I appreciate the gentleman and join him in his objection. I have a great deal of respect for the gentleman and my great friend from Colorado, but this is a very carefully worked bill, very carefully crafted bill, and decisions have been made that are discrete on a project-by-project basis, and I do not think it is correct policy to simply then have an across-the-board cut regardless of what the amount is and would join my chairman in opposition to the amendment.

Mr. HOBSON. Mr. Chairman, I yield back the balance of my time.

Mr. HEFLEY. Mr. Chairman, I understand those arguments, but if you don't have the money, we need to stop spending or at least cut down the spending. This is 1 percent. I would encourage support of the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by

the gentleman from Colorado (Mr. HEFLEY).

The question was taken, and the Acting Chairman announced that the notes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

Mr. HOBSON. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Chairman, I thank the chairman from Ohio for yielding to me.

I wanted to speak tonight, Mr. Chairman, about the Atlantic Intercoastal Waterway, which stretches 161 miles from the South Carolina border to the Florida border going through the 1st District of Georgia; and if one measures the number of miles by the coastline, it is probably five or six times that.

I live by the Intercoastal Waterway. I have a boat. My friends have boats. My constituents have boats. The water is filling in, and it is a big problem in terms of recreational boating.

My concern is that the Office of Management and Budget, the OMB, in their formula does not consider the economic impact of a recreational boater when deciding if a waterway should be dredged or not.

In Georgia, for example, the last time we had serious dredging of the Intercoastal Waterway was in 2002. We have asked for \$2.5 million for dredging for Georgia 2 years in a row, and because of the tight constraints, the committee has not been able to do that.

It has been the same way with the Senate. They are trying to work on something, too.

Senator SAXBY CHAMBLISS and Senator JOHNNY ISAKSON and I are all in agreement that this needs to be addressed, but when the Office of Management and Budget is looking at the commercial traffic ranks of the Intercoastal Waterway, they only consider the big tonnage, the commercial shipping. They do not consider the light loading, the recreational boater.

The recreational boater is the guy who goes out there, pulls his children on skis, has a camera, has a cooler, packs a bag of baloney sandwiches, has a lot of Coca-Cola, which in another part of the country he is probably carrying Pepsi, and spends a lot of money on the local economy, a significant amount of money. One marina alone told me that their receipts will be in excess of \$500,000. If the Intercoastal Waterway was closed up, then that marina will be gone. Those five to twelve jobs that they have will be gone. The money that his clients bring into the area, buying parts for their boats and related recreational equipment in skis and fishing poles and so forth, that will be gone as well.

We need to get the Office of Management and Budget to change their fund-

ing formula so that they will consider the economic impact of the recreational boater just as high or along the same line or with the same yardstick as they do commercial boaters.

I had an amendment to that effect. I have not offered the amendment because this committee has worked so closely with us on a lot of issues. I know that the staff was not exactly appreciative if we were going to try to authorize something on an appropriation bill. It was not appropriate. So I am not offering that amendment, but I know the staff has been very sympathetic to this issue, as have you, Mr. Chairman, and I just wanted to thank you, but say that, along the line, we are not going to let this issue go.

We need to have the Office of Management and Budget change their funding formula, and I intend to pursue legislation on that, and I just wanted to thank you for all the support you have given us on some of the other dredging issues and wanted to make this point, though, on the record.

Mr. HOBSON. Mr. Chairman, if I might respond, you have got the problem correct and we are sympathetic to the problem because it is an economic development tax revenue situation that they do not seem to want to recognize. We have this both in the waterways there and renourishment programs, the dredging of some of these smaller harbors as have gone through on another situation. So I am very sympathetic to this.

So far, we have not been able to get OMB to go along, but we have a new director of OMB, used to be a Member here, used to live on the Ohio River. Maybe he will understand it better than the other OMB directors we have.

Mr. KINGSTON. Mr. Chairman, well, I had an opportunity to speak to Mr. Portman a few minutes ago and just pled the case real briefly with the promise of a follow-up phone call.

I do want to thank you for all the harbor dredging that you have helped us with. Mr. VISCLOSKEY has helped us with. The staff has gone above and beyond the call of duty on that. You guys have been magnificent, but we also have this intercoastal problem with the recreational boaters that is a tremendous issue in our area.

So we want to continue to work with you, and I really appreciate everything you have done.

Mr. HOBSON. We are going to do that.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used for Virginia Science Museum, VA.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

I call attention to this earmark today because there is so little information available about its purpose. It appears inconsistent with the program that would fund it.

The committee report lists this earmark, for the Science Museum of Virginia, in the Biological and Environmental Research program.

My amendment would prevent funding for this purpose.

I know that some museums do scientific research, but the background research on this earmark turned up very little by the way of research being done by the Science Museum of Virginia.

As an aside, I would note that the museum will soon open a traveling exhibit on candy, sponsored by the Jelly Belly Candy Company. It does not sound like much research to me.

I know that the Science Museum of Virginia was created by State law, and I have a basic understanding of the mission of the museum, and the intentions are certainly worthy.

□ 2000

The museum says it is currently raising funds to restore and remodel parts of the building; to add classrooms, meeting facilities, a library, a cafeteria, and office space; for new landscaping, new parking facilities, and exhibits.

But why are Federal funds being used for these projects? It just isn't clear to me how the museum serves a Federal function when it comes to biological and environmental research.

Again, that is the program through which we are funding this museum. I am sure that the museum is funded in part by admission fees and also by State tax funds. I would think there are also private donors who fund it. Again, what is the Federal purpose being served by funding this earmark? How should we explain this one to the taxpayers of Arizona or California or Iowa or Michigan or anywhere else outside the State of Virginia?

I am afraid that fiscal discipline and transparency is such a thing of the past that we will begin to see museum exhibits about it.

I just don't see why we are doing this, why we are funding this type of museum out of a program that is supposed to be for scientific research.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The Chair recognizes the gentleman from Ohio for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, I rise in opposition to the amendment by the gentleman from Arizona. The Science Museum of Virginia is one of the leading science museums and education and research facilities in the country, and I do not support any provision which would seek to bar it from receiving funds.

While the gentleman's intention may have been to bar the \$250,000 earmark contained in the conference report, the language of this amendment is so broad that it would prevent the Virginia Science Museum from competing for any grants or funding streams, competitive or otherwise, included in the act.

Now, along with my colleague from Virginia (Mr. TOM DAVIS), I am one of the cochairs of the Congressional Chesapeake Bay Task Force and would like to reiterate the point that the work of the Science Museum with regard to testing and monitoring of the Potomac and Occoquan Rivers, both of which are part of the Chesapeake Bay Watershed, are vital to the continuing efforts to restore the Chesapeake Bay. As the Nation's largest and most productive estuaries, it is indeed a national priority. So, too, Mr. Chairman, is the mission of the Science Museum to engage in instruction and research in the sciences to educate children.

I would hope that the gentleman would not pursue this amendment. This is an extreme amendment that unnecessarily harms the Science Museum, and I would hope the amendment is defeated.

Mr. FLAKE. Mr. Chairman, I yield such time as he may consume to the sponsor of the earmark, Mr. SCOTT, and I would just like to ask him what kind of oversight is offered. Is there a reporting requirement? How do we know the museum is actually spending the money for scientific research rather than having the traveling exhibits from the Jelly Belly Candy Company?

Mr. SCOTT of Virginia. Mr. Chairman, as I understand, the money will be spent for research in the Chesapeake Bay. This is a national priority. And I would hope that the testing and monitoring of the Potomac and Occoquan Rivers, both of which are part of the Chesapeake Bay Watershed will continue. I mean, it is a national priority.

We spend substantial resources on the Chesapeake Bay, and this research will go a long way in helping to preserve the Chesapeake Bay.

Mr. FLAKE. Mr. Chairman, I simply think this is a great example of the problem with having so many earmarks, over 10,000 earmarks in any given year, in all appropriation bills. As the minority leader mentioned yesterday, we simply don't have the staff or the resources to police these earmarks to know if they are going for the intended purpose and for oversight.

When we try to figure out which of the hundreds of earmarks to actually bring up here, we will often try to find out about the earmark. Sometimes the

only information we have is from the press release that the Member who requested the earmark put out. The Federal agencies have nothing. Perhaps we can go to a Web site for the recipient of the earmark.

But in terms of oversight, there is virtually nothing. We are just approving \$100,000 here, \$200,000 here, \$5 million there, until it adds up to hundreds of millions of dollars with virtually no oversight; nobody to check back. Then, when we try to actually conduct proper oversight of Federal agencies, it is almost a laughing matter because we have already stipulated that they spend funds for a museum. In one case last year, it was money for a museum in the Defense appropriations bill, and there are several museums in this piece of legislation.

I would submit that we have got to get a handle on this. We have to change the process. That is why we are here today, because I have exhausted every other avenue privately. This is the only place we can actually exercise any oversight, right here, in 5 minutes, to look at this earmark and look at the millions of dollars that are spent elsewhere.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume.

Unfortunately, Mr. DAVIS had a prior commitment and couldn't be here tonight, because we didn't know what time these were going to come up to defend this. We review these within the committee and we looked at his request, and I am here to say that he met those tests.

But as far as the oversight on these things, there are project officers within the agencies. We want to fund science research wherever we can, and there are things like inspectors general who go out and look at these projects and make sure they are done right. If people don't like them and they are not done right, then they report back, and we take appropriate action. So Mr. DAVIS got a small earmark for this.

I might say my frustration is that, earlier this evening, I tried to cut \$25 million, to keep \$25 million out of this bill that went to little grants that we have no control over, and I wasn't able to do that. The will of this House was to fund that program for \$25 million.

So I share some of the gentleman's frustrations. I don't particularly share it about this one, but I share it about a \$25 million deal out there, which is probably larger than some of the cuts you are trying to do tonight. So I am maybe more frustrated than you are at the moment.

Mr. Chairman, do I have any time left?

The Acting CHAIRMAN. The gentleman has 2 minutes remaining.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the ranking member.

Mr. VISCLOSKEY. Mr. Chairman, I appreciate the chairman yielding and would associate myself with his re-

marks and add my voice and objection to the amendment being offered.

The fact is our committee does a great job at oversight. And as the chairman mentioned in his opening statement, we held a series of hearings dedicated to oversight. As he points out, you do have offices of inspectors general, and we do have a very competent staff, and we do exercise a great deal of care.

So I do join the chairman and appreciate his yielding.

Mr. HOBSON. Mr. Chairman, I yield back the balance of my time.

Mr. FLAKE. Mr. Chairman, can I yield to the ranking minority member and ask: Has there been any hearings on this project, the Virginia Science Museum?

Mr. VISCLOSKEY. I have made my statement to the House.

Mr. FLAKE. Okay. Does anyone know? Have there been any hearings, or has this ever been authorized?

All right. Thank you.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I appreciate the opportunity to talk about the good work being done by the Virginia Science Museum at Belmont Bay in Prince William County.

The Belmont Bay Science Center accomplishes a large number of valuable services, including the long-term water quality monitoring program that promotes the environmental health of the Occoquan and Potomac Rivers. These, as we all know, flow into the Chesapeake Bay.

Specifically, this program monitors chemical and biological conditions in these rivers. While my colleague is from Arizona, I am sure he is aware of the dire environmental concerns that affect the Potomac and Chesapeake Bay, especially in terms of high levels of nitrogen stemming from sewage treatment plants and agricultural run-off. Thus, monitoring is a critical importance.

The center also serves to teach Northern Virginia residents about the Potomac and Occoquan Rivers, as well as the Chesapeake Bay, and the attending environmental issues.

As a co-chair of the Chesapeake Bay Task Force, I have joined with other concerned colleagues to work to restore health to the Bay and its tributaries. This request for the Virginia Science Museum is part and parcel of those efforts.

The Bay watershed includes Pennsylvania, Virginia, Maryland, and the District of Columbia. It is therefore an interstate—or federal—concern.

I again thank my colleague for the opportunity to advertise the virtues of the Virginia Science Museum—virtues that would have otherwise been obscured by the stark black and white print of the committee report.

Mr. FLAKE. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used for Research and Environmental Center at Mystic Aquarium, CT.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

This is an earmark for the Mystic Aquarium and Institute for Exploration. These are divisions of the Sea Research Foundation, which is a nonprofit institution. According to the Foundation, its mission is to inspire people everywhere to care about and protect our oceans by exploring and sharing their biological, ecological and cultural treasures.

According to its Web site, the Mystic Aquarium is a nonprofit organization whose donations and revenue from admissions go to the development and execution of educational programs, marine research, marine animal rescue and deep sea expeditions.

This is a good thing. I am sure it is a great museum. Corporate membership in the aquarium includes Foxwoods Resort Casino, American Laboratory Trading, CL&P, Coca-Cola, the Kraft Corporation, Hubbell Manufacturing, Monsanto and Pfizer, to name a few. Donations from these entities pay for some wonderful things. The aquarium is a recognized leader in aquatic animals and archeological exhibits and also a recognized leader in oceanic research.

Let me say again, Mr. Chairman, these are very good things. This is wonderful that they are doing these things. But with all the groundbreaking research and programs at the aquarium, why is it then that the taxpayer should fund \$400,000 for this research and environmental center at the Mystic Aquarium? Where is the Federal nexus?

With so many private partners and local funding sources, why do we involve ourselves? There are aquariums all over the country. If we decided that we were going to give an earmark for every one, how would we fund it? How do we pick and choose between this one and that one or this one and that one?

I would submit that we simply can't, and we shouldn't. We ought to have a process that doesn't allow individual members to say, I think I need that

money for my project in my district. When we do that, we simply get away from what we are all about here. We have a process, authorization, appropriation, oversight, and we seem to have ignored the end of each of that, the authorization and the oversight, and we just do the appropriations.

When we do that, we get ourselves in trouble. We embarrass ourselves with some of the earmarks that we do.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Connecticut (Mr. SIMMONS).

Mr. SIMMONS. Mr. Chairman, I thank the gentleman for yielding, and I rise in opposition to the amendment.

I thank my friend from Arizona for saying nice things about the Mystic Aquarium. I appreciate that. It is a great aquarium. It is a nonprofit. It is an educational facility. It is a facility that has been in operation for over 20 years.

Earlier he asked the question as to whether there had been any prior authorizations. In actual fact, the activities of the aquarium have attracted funding in fiscal years 2006, 2005 and 2004.

The moneys that we are talking about here tonight are not just moneys that are going to purchase fish food and clean the tanks. The moneys that we are talking about here tonight are to develop a research and environmental education center as a part of this research center.

Most of our colleagues have heard of Dr. Bob Ballard. Dr. Bob Ballard is the foremost ocean explorer in the world today. He is collocated at the Mystic Aquarium. His institute for exploration is collocated in the facility. His name is on the application.

The question could be asked: Well, okay, we have private sponsors. We have State and local sponsors, but what should be the responsibility of the Federal Government when it comes to marine science, marine research and ocean exploration? Well, one Federal dollar in this program creates a minimum of \$10 from other sources. So one Federal dollar can be leveraged 10 to 20 times for these types of activities.

Why would the American taxpayer care about that? Well, I tell you why they care about it. Because we intimately involve young people with these activities. Two-thirds of the Nation's fourth through ninth graders are scoring below proficiency levels in science.

□ 2015

The National Science Foundation indicates students are pursuing graduate degrees in declining numbers. The activities of this aquarium and the ac-

tivities of Dr. Bob Ballard turn kids on to science. That is a good thing. That is something we should support.

I urge my colleague to withdraw his amendment.

Mr. HOBSON. Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

I would simply say again there have been no hearings on this project. There will be no oversight hearings to see if the money is spent properly, and it is an earmark, so it is not authorized. So we have circumvented the process again. When we do that, when we circumvent the process and we do not have direct oversight, we diminish our ability to offer credible oversight.

Again, when we tell the Federal agencies, the Department of Defense, for example, you ought to be spending more money on body armor, they come back and tell us, hey, we cannot because you stipulated that we spend a million dollars in our defense budget for a museum in New York.

It is like that in bill after bill after bill. And those who say these earmarks do not cost any money, if it is not spent here it will be spent somewhere else, don't tell the full story. We are often earmarking accounts that we have not earmarked in the past. Those accounts are for maintenance, say the FAA to maintain runways and towers. Well, they will come back to us next year and say you earmarked our accounts for maintenance, so you have to backfill this account. So we have to appropriate more. So these do cost.

If we just got rid of these earmarks, we could lower our allocation in this committee and let us spend it on defense or give it back to the taxpayers. Let's do something else. So the notion that we heard a lot of yesterday that this will not save any money to knock out earmarks is simply wrong.

If the Appropriations Committee would say they are not going to do earmarks this year, they could lower their allocation by the total amount of earmarks. In the bill yesterday, it was about \$500 million.

This is the only forum we have to stand up for 5 minutes on some of the amendments that we choose to highlight to say this process has gone awry and we need to change it.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. SIMMONS).

Mr. SIMMONS. Mr. Chairman, I thank the gentleman for yielding me this time.

My recollection of the appropriations process is that, if an appropriation takes place, it carries with it the authority to expend those funds. So if you look at previous appropriations for this purpose, I believe that those appropriations reflect the authority to spend that money.

The issue now becomes oversight. I quite frankly think that Members of

this body who live in their districts usually have a pretty good idea of where these dollars are going. Speaking for myself, I probably am in and out of the Mystic Aquarium at least half a dozen times a year, sometimes more frequently. I am intimately involved with the activities of this facility.

Dr. Robert Ballard, who used to be located in Woods Hole, Massachusetts, came to Connecticut and came to Mystic because of the resources there so he could pursue his research. He was sponsored by the State of Connecticut and the local municipality.

People know what is going on here. People know of some of the incredible research that is taking place. People know because their kids and because the Boys Clubs and Girls Clubs are benefiting from these activities that are happening here.

And Members know. I believe when a Member submits an earmark and follows it through the process, that tells you a lot about the earmark.

I would put my name against this project any day of the week. I think that as somebody who knows my district, knows the people in my district, knows the reputation of this facility, knows of the impeccable reputation of Dr. Bob Ballard, that this is a good expenditure of taxpayer dollars, and I will stand up for it any day of the week.

Mr. HOBSON. Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

At what point do we admit we are out of control with earmarks? Would it have been at 5,000 earmarks a year? 6,000? 8,000? 9,000? 10,000? We are well above that. We have grown in the past decade. I think it has been an 872 percent increase in the number of earmarks. The dollar value has increased substantially as well.

Yesterday, we had the ranking minority member concede we have no idea, and it is "grotesquely out of control" were his words. We have that concession on that side.

On this side we are saying that as well. We do not have a way to police these earmarks or to provide oversight. At what point do we say we need to sit back and go through the regular authorization appropriation process in Congress?

Mr. Chairman, I yield back the balance of my time.

Mr. HOBSON. Mr. Chairman, I yield myself the balance of my time.

The subcommittee does do oversight of appropriations. There were 313 days of hearings, 161 volumes. We heard testimony from 3,000 witnesses. There are 39 reports. We spend an awful lot of time on oversight, and somehow earmarks have become the thing of the day. But I have to tell you I spend a lot of time on billions of dollars of overruns and cost allowances on administration projects such as Hanford and other things. We spend time on these.

Each of these goes through a process at the end and they are looked at and they are done.

I understand the concern about the numbers of earmarks. We have cut ours back. But my committee is divided up into subcommittees and we are out doing oversight. We are trying to rectify some of the problems. I urge a "no" vote.

The Acting CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used for Southwest Gas Corporation GEDAC heat pump Development, NV.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

This earmark provides close to \$2 million in Federal funding for a publicly traded natural gas corporation to do research and development on an air conditioning system that uses natural gas instead of electricity, a so-called GEDAC.

I am not disputing the potential benefits of GEDAC technology for consumers and natural gas companies. Homeowners are demanding year-round comfort in their homes, particularly in Arizona, wanting to stay cool on hot days and keep warm on cool days at an affordable cost.

GEDAC use in the Southwestern United States has the potential to save significant electrical power and reduce water usage. The gas industry has long sought to sell more natural gas for cooling during the summer months. However, I cannot see the role of the Federal Government in sponsoring corporate research and development that would seek to give one industry a leg up over another. How can we pick winners and losers?

The Southwest Gas Corporation boasts more than a million customers, many of whom are in my State. They want more customers, as they should. This earmark seeks to subsidize natural gas technology with Federal money at the expense of other industry sectors.

According to the most recent quarterly report, Southwest Gas Corporation reported more than \$3 billion in assets and after-tax income of over \$48

million for last year. Beyond that, the defense authorization that was recently reported out of committee includes more than \$6 million for GEDAC demonstration projects.

Not only are the American taxpayers supposed to help develop the technology to expand the gas company's market share, but we are footing the bill for road testing it as well. We have to be careful, I believe, when we have earmarks for nonprofit corporations and others. I think we have to be doubly careful when we are actually funding a for-profit corporation and just handing them a check and saying do some research. How do we choose that company over another?

I happen to know the people at Southwest Gas. They are fine people and have a fine company, but why are we saying we are going to give them an earmark and not others?

Another problem here, the earmark we have chosen to highlight here is \$2 million in Federal funding. This is in Nevada. We found out only after offering the amendment there is an additional earmark for this same company. It is on another page and it simply doesn't say Southwest Gas. I think it is for another \$3 million. So there is some \$4.8 million that is being spent to subsidize a private company. I would submit that is not our role.

We get in the business of doing this, spending the taxpayers' money this way, and also picking winners and losers in the economy. It is something that we should not be doing.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume.

I understand some of the gentleman's concerns and what he stated about what we are doing with the private sector, but I want to relate a little story about a similar earmark from a couple of years ago. I want to tell you how it worked out.

One of the sponsors of this project is not here because he is leaving the Congress and he has a dinner, so I am going to fill in for him and tell a little story about how this does work, and it is an analogy of what might be happening here, also.

Some years ago, one of the DOE people turned down a product. They did not want to pursue the technology. So we did an earmark to this company. I think we did it a couple of years. The people came to us and said we cannot get into DOE. We have great technology here. The company I think was 3M, a big company. They said we cannot get in the door. So we gave them a little earmark.

They pursued the technology and kept talking to DOE. The next thing we hear, we hear DOE saying, guess what, there is this great technology we

have just discovered. They had to go through the process we are now talking about for DOE to now look at this process. So they got into it and they said, wow, this really helps on transmission lines in the western part of the United States. We do not have to restring all of these lines. I think it increases three or four times the price and capacity of the lines. This is something that would not have happened if we had not gotten into it.

The same way here, the heat pump is something we need further development of. The one thing I would say on this, it attracts corporate dollars. Also, they cannot hide this. They have to share this since it is public dollars. Anything that they develop has to be developed with their competitors, which is good for the economy and good for all of us because we would get it and somebody cannot hold us up for it.

I understand the gentleman's concern, but I think in this case, as in the one with 3M, hopefully this will work out to be good for the taxpayers of the country.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I rise in strong opposition to the Flake amendment.

The project that he is targeting, the gas engine driven air conditioning heat pump development program, is a multi-year partnership between the Oak Ridge National Laboratories and private industry, including, but not exclusively, Southwest Gas in my State of Nevada, to develop a rooftop heating and cooling system for residential and small commercial buildings using natural gas.

Mr. FLAKE is misinformed. The funding goes to the Oak Ridge National Research Laboratory, not to Southwest Gas. Rather than relying on electricity generated at a power plant to run heating and air conditioning, this technology would use natural gas to produce heating and air conditioning directly, saving precious energy and water, which is particularly important in the drought-stricken Southwest.

This project, in its second year, is an example of what government, working with private industry to find new and more efficient ways to generate power, can do.

I would remind the gentleman from Arizona that our Nation is in an energy crisis. We need to be funding more projects like this, not fewer. The gentleman is obviously sincere in his desire to reduce Federal spending. I wish to echo the comments of many of my colleagues who have said that they would prefer the Congress make these types of funding decisions rather than leaving it to the bureaucrats in Washington.

I urge my colleagues to oppose this amendment.

□ 2030

Mr. HOBSON. Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

We are told that the only decision is to either spend it ourselves or leave it to those amorphous bureaucrats in Washington. How about leaving it to the market? That is where things like this are developed. Why are we choosing one? And I would have to dispute the characterization of this money going to Oak Ridge Laboratory.

If this money went straight to Oak Ridge Laboratory, I believe it would say that in the earmark. All we have to go on is what we have here, and that is part of this process, why it is so bad. We have not had any hearings on this subject. There is no other documentation than the committee report; and the committee report, like I said, we only found out later that there were actually two earmarks because one of them did not say the company, but the company says to Southwest Gas.

Is the gentlewoman saying that the money is not going to Southwest Gas, that none of the earmarked funds go directly to Southwest Gas?

Ms. BERKLEY. If the gentleman would yield, it is the gentlewoman's understanding that the funds you are trying to remove from this very worthy project, which is in its second year, goes to Oak Ridge.

Mr. FLAKE. Mr. Chairman, I would say to the gentlewoman that all we have to go on is the language in the committee report.

Ms. BERKLEY. Well, I didn't write that language.

Mr. FLAKE. That is part of what is wrong with this process. We have no oversight. The Federal agencies don't know what is going on. We heard this story about an earmark that worked. We always hear those when we are doing these earmarks. We never hear about the massive failures that go on as well or the massive waste that goes on.

We have no idea how, if that money had not been spent by us, by Congress or the bureaucrats, how, if companies would have been able to keep more of their tax dollars, they might have done something even better or even faster. We just don't hear that.

So it is simply a false argument to say that the font of all knowledge is here in Congress, and we can outguess the market. We can do better than that simply by saying I know my district, and I am going to put that money there. That is a good company. I like them.

Mr. Chairman, I yield back the balance of my time.

Mr. HOBSON. Mr. Chairman, I yield myself the balance of my time.

I wish I got as much interest from the gentleman and other people on the massive overrun on Hanford, which is \$6 billion, and I don't hear a peep out of anybody. I go around, and I scream about it. It is \$6 billion. I heard all kinds of people are against a couple hundred million cut we did en masse. I need help in keeping that.

Those are the kinds of oversights we need, also. I have not had a massive number of people coming to me telling me of all the failures of the earmarks that he is talking about. I do get some good positives, and if we find out one that is bad we will go after them. We try to monitor them. There are project officers.

I oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used for Center for End-of-Life Electronics, WV.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will each control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

When I first saw this earmark, this is for Center for End-of-Life Electronics in West Virginia. I thought that it might have something to do with improving treatment technology for terminally ill patients. It is not.

This earmark is about the end of life for electronics, that is, computers, televisions, cell phones, et cetera. This earmark intends to help a single organization that is in the business of recovering the components of electric devices that can be recycled or that could be environmentally hazardous.

My amendment would simply prevent funding for this purpose. As with many of the earmarks I pointed out recently, there is simply no explanation or justification in the bill or the committee report. My staff, trying to find out where this earmark came from or what it is to do, had to finally look at a press release that mentions other funding secured for this organization. So I assume it is for the same purpose. We simply do not know.

Again, no hearings, no authorization, no method of oversight here. Evidently, the program has received \$3 million in the past. Now it needs another \$600,000.

I would ask the gentleman from Ohio, Mr. HOBSON, what oversight has been exercised over this program up until this point, if he knows. Public institutions and private groups in Davisville, West Virginia, have partnered and established A Center for

End-of-Life Electronics to seek solutions for electronic waste.

What Federal role does this particular center fill? How should we explain this one to the taxpayers of Missouri or Connecticut or Arizona or any other State outside of West Virginia? I welcome the justification for a Federal function in this case. But then I ask, why are we picking winners and losers throughout the earmarking process?

Again, we are choosing one organization. If this recycling operation and others like it or any organization or business wants to exceed and excel, we should let them compete freely in the marketplace. Let's keep Congress out of it.

I am sure there are many other electronics recycling operations throughout the country, but we are favoring just one of them with this earmark. I don't think that the Congress ought to be making calls like this. I am certainly not capable.

I know my district pretty well, but I don't think and I wouldn't presume to say that a center in my district is the best in the world in end-of-life electronics. That is simply a call that we shouldn't be making. Rather than seeking to salvage electronic components, Congress should be intent on salvaging the process by which we spend tax dollars.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the chairman's yielding.

First of all, I would express my opposition to the amendment being offered by the gentleman from Arizona. We have an authorized activity and the subcommittee has earmarked this project.

I have a philosophical difference with the approach that the Member has taken, as a Member of the House of Representatives, because we are a co-equal branch of the United States Government, and the last time I looked at the budget of this country was in excess of some trillions of dollars.

The gentleman mentioned catastrophic failures. I would mention that the administration spent a great deal of money in their budget request on about 10,000 trailers in response to a great natural crisis. Those trailers are sitting out in the middle of Arkansas.

The chairman of the committee talked about Hanford. That was not an earmark, but it was requested by the administration. If this committee and all of the members of this committee did not continue as we do every day to exercise oversight and deliberate activity and judgment, they would still be spending more of the taxpayers' hard-earned moneys than is necessary.

There is under construction in the State of California, and I don't mean to single them out, but the gentleman mentioned catastrophic failures, the National Ignition Facility that some years ago was on time and under budget. It was an administration request.

We are not defunct of all wisdom. The administration is not. There is a balance to be struck; and in a budget in excess of some trillions of dollars I do believe this subcommittee, under this chairman and the Members on it, have made wise and reasoned and specific decisions.

I am adamantly opposed to the amendment offered by the gentleman.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am a little upset that there is no oversight, because we have tried to do more oversight than I think has been done in a number of years.

Let me tell you how these things work in DOE.

Each project is assigned a project manager who is responsible to work it out in a contract and the scope of the project and results. I am informed that this particular account also must have matching funds for a project to be awarded or to be made. So there is some oversight for the people who are putting the money into it, too.

These projects must be executed according to accounting standards, as in all DOE government awards. These projects are well-known by their sponsors. If we hear of a problem or one of the DOE people comes back to us who is in charge of the project and says this is out of whack, it is not being done right, then we try to take corrective action, too.

The assertion that there is no oversight is not correct. In the past, I think there was less oversight than there is today. But I think we have attempted to justify that. We have reorganized our committee in such a way that we are doing more oversight. We will continue to do so.

I think the gentleman may have encouraged us to do some more oversight as a result of some of these things, and hopefully that will prove out to be good. I would urge a "no" vote on this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Let's get back to this specific earmark. I would like to know, like I said, all we know is what we gleaned from the press release, because there is no other information available at all. But the press release indicated that there was just the latest tranch of funding that had already gone to this project.

Would the ranking minority member happen to know if any oversight has been conducted on funds that have already been provided to this project?

Mr. VISCLOSKY. Mr. Chairman, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Chairman, I would be happy to respond with a question of my own, because the gentleman is very fixated on the lack of oversight on the subcommittee, which I take umbrage at.

But I would also suggest that in an earlier remark you made on the floor that almost 70 percent of the spending of the Federal Government today, and I share the gentleman's concern making sure we have fiscal responsibility.

Mr. FLAKE. Mr. Chairman, reclaiming my time, I take it I am not going to get an answer to this. All we know is from a press release, and we know that this is simply the latest tranch in other funding that has been provided.

What I hear, and I guess the author is not here of the amendment or, I am sorry, the author of the earmark, the sponsor of the earmark, that no oversight has been conducted.

Do we feel comfortable going ahead and appropriating more when no oversight has been conducted at all on what has already been expended?

Mr. VISCLOSKY. Mr. Chairman, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. Would the gentleman answer a question?

Mr. FLAKE. Yes.

Mr. VISCLOSKY. Are you concerned about earmarks that take place in other mandatory legislation and the fact whether or not there is specific oversight on an annual basis or, say, tax provisions in this country?

Mr. FLAKE. I am very concerned about the lack of oversight on an annual basis for, say, tax provisions in this country.

Mr. VISCLOSKY. That is where 77 percent of the spending has taken place.

Mr. FLAKE. Ninety-six percent of the earmarks that we passed last year were in conference reports that were just spending construction to the agencies. The agencies have very little knowledge that the funding is even there, yes.

The problem is, if you want little oversight on your earmark, if you want it to continue without scrutiny, it pays to be vague about your earmark, vague about its goals, vague about any benchmarks that there might be. Because as soon as you spell it out and leave a paper trail, you are subject to an amendment. If you don't, it might be ruled out of order.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used for Missouri Forest Foundation.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

□ 2045

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is \$750,000 for the Missouri Forest Foundation. This foundation has been funded for at least 3 years, and is funded through the Energy Efficiency and Renewable Energy Program earmark section of the bill. The section of the bill includes more than \$50 million in congressionally directed research earmarks. According to CRS, earmarks in the appropriations for the Renewable Energy program have tripled in the past 3 years.

According to the Office of the President and the American Association for the Advancement of Science, this level of earmarking hampers the program from being able to achieve its research goals. Let me say that again: According to the Office of the President and the American Association for the Advancement of Science, this level of earmarking hampers the program from being able to achieve its research goals.

It was these kinds of earmarks in the fiscal year 2006 appropriations that the National Renewable Energy Laboratory said caused a \$28 million shortfall and forced them to lay off 32 positions. While these positions were ultimately restored, this shows the downside of earmarks and how they can wreak havoc on the administrative agencies.

The Missouri Forest Foundation, an education and research foundation of the forest industry, supports the research and implementation of a program that would utilize wood biomass to produce energy. The task force mission is to develop a program where wood products from Missouri are fully utilized, solving forest health problems and current energy issues.

Bioenergy ranks second to hydropower in renewable U.S. primary energy production and accounts for 3 percent of the primary energy production in the United States. While I support a diverse energy sector, I cannot see the benefit of earmarking a program to the point of ineffectiveness.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN (Mr. McHUGH). The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume

just to make one point: In this bill this year, there can be no complaint that we are impeding upon the imperial Presidency's funding levels, because somehow if the President's people fund it, it makes it okay. I don't agree with that. We put headroom in the bill this year that they cannot make that claim anymore.

Mr. Chairman, I yield the balance of my time to the gentlewoman from Missouri (Mrs. EMERSON).

The Acting CHAIRMAN. Without objection, the gentlewoman from Missouri will control 4 minutes.

There was no objection.

Mrs. EMERSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, allow me to stand up for this provision in which my friend Mr. HOBSON and our subcommittee and staff have worked so hard to assemble.

We talk big about energy independence, Mr. Chairman, but here we are discussing Mr. FLAKE's amendment today because some of us talk the talk but we don't walk the walk. The Missouri Forest Foundation would get \$750,000 from a \$30 billion budget to help solve the crisis of our time, American reliance on foreign oil.

I believe that most of our colleagues would agree that this investment would pay off by finding a viable source of cellulosic ethanol in wood waste from mostly unmanageable parts of our forests.

As a source of green energy, cellulosic ethanol is limited only by our ability to harvest small trees from overgrown, unmanaged forests and generate cellulosic ethanol on a profitable scale. This project would remove many of those barriers to our energy market, and in the meantime, we will add value to our forests, 14 million acres of them in Missouri alone, and will create another value-added product to help our rural economist.

We talk a lot and we have been talking a lot lately in this body about the future of alternative fuels. This project is how we also walk the walk, and I believe it is unconscionable to turn our backs on any project to put something besides oil in the tanks of American cars and trucks, especially when it is one that is as promising as this.

Yet there is also, Mr. Chairman, a larger issue at work here: Who do you trust with these tax dollars? Some Members put their trust in the Office of Management and Budget to choose what is best for their districts, and some Members, well, they choose to put their trust in their districts back home. I trust my district, and I trust the men and women behind this project. Together we worked on this proposal. It was my idea, and we brought it to the Congress.

So now, at this point, Congress can say yes or no. But as others have said before me, I am standing up for my district, and I say it is worthwhile and we should invest in it.

Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before yielding 1 minute to the gentleman from Texas, let me just say that we are again faced with a false choice here. The notion is, should we spend it, or should the administration spend it? Perhaps it shouldn't be spent at all.

I would submit, if we are spending \$700,000 or so for the end-of-life electronics project in West Virginia, we are spending too much money, the government is as a whole, whether it is us or whether it is the administration.

So the choice isn't, should we spend it or should they? Maybe we should just have a smaller budget.

Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, I thank the gentleman for yielding.

I will be the first to admit that I know little or nothing about this particular earmark, but here is what I do know: We need to step back and focus on the larger picture of where we are as a nation. In just a handful of years, the national debt has gone from \$5.5 trillion to \$8 trillion. Now, some will tell us it is because the American people are undertaxed. We happen to be awash in tax revenues. They were up 14 percent last year.

I think the problem that we have is we have a spending problem. We look at the long-term trends in Social Security, Medicare and Medicaid, we simply cannot keep with the pace in spending. We have 10,000 Federal programs spread across 600 agencies. How much government is enough?

This may be a great earmark. I don't know. It could be the greatest earmark known to mankind. But when do we finally say, enough is enough? It reminds me of what President Reagan once said, "the closest thing to eternal life on Earth is a Federal program," and every earmark can give birth to a Federal program.

We are spending \$22,000 per American family. When do we stop?

Mr. Chairman, I think the challenge we have is, if we say yes to everybody's project today, we end up saying no to our children's future tomorrow. So when we are a nation that has this type of debt, when we have the recent announcement that Social Security is going to go broke a year earlier than thought, Medicare 2 years earlier, when do we stop and say, enough is enough? When do we say no to somebody's project today so we can say yes to our children tomorrow?

Mrs. EMERSON. Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, again, I thank the gentleman from Texas for his comments. It couldn't be more true. At what point, where do we say, let's stop? We have grown earmarks in the past decade 872 percent. When is it enough? Do we earmark every account in the

Federal Government? Do we look at those agencies and say, we know better than you do?

What about the maintenance accounts that they have? What about other things that they come back to us the next year and say, you shorted us? You earmarked this account. Now we still have to maintain this runway or this tower or perform this maintenance, and then we have to up the funding again.

I will say again, my colleague in the Senate described earmarks as "the gateway drug to spending addiction." Once we start with earmarks, we just can't stop spending in other areas.

I would submit that if you look at the Federal budget growth over the past several years, a lot of it is due to earmarks, simply because you get earmarks and they leverage higher spending everywhere else.

You look at how few votes there are against these appropriation bills in the end when you know more people are opposed to much more in the provisions. It is because they have earmarks, and they have to support it.

The Acting CHAIRMAN. The gentleman's time has expired.

The gentlewoman from Missouri has 2½ minutes remaining.

Mrs. EMERSON. Mr. Chairman, I yield 1½ minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Chairman, I thank the gentlewoman for yielding.

Again, we are here debating these things and whether some of these things ought to be funded at all. There are programs that are not requested in the President's budget which some of us feel are appropriate. Some of them would be things like money to reimburse States for criminal costs associated with illegal immigration. The President hasn't requested that in his budget, but many of us feel it is appropriate that it ought to be put in there. I believe even the gentleman from Arizona believes that that is an appropriate thing.

Now, of course, if we would put that in there, that would be an earmark, because it would be Congress directing the spending rather than the administration making that request.

Earlier the gentleman mentioned the NREL laboratory and the fact that they had to lay off something like 32 people. What wasn't said is that this committee gave them unlimited reprogramming authority, that if that was going to happen, they could have reprogrammed the money. But they didn't do that. They chose not to use it. They chose to lay the people off. And then, magically, when the President was going to come out there for a press conference, guess what? They found the money to rehire those individuals. At the same time, the Secretary goes to, I believe it was Australia, and announces a new program down there without any funding authority whatsoever.

So to suggest that things done by the administration are appropriate but

things done by Congress are inappropriate and, as the gentleman and I have talked many times, the fact is you are not going to reduce spending by eliminating these things. You are going to do it by getting a budget resolution which is lower so that that money isn't available.

But I guarantee you if you cut out this money, or any of these other earmarked projects, the money is going to be spent on something else. That is the reality, and that is what we have to address.

Mrs. EMERSON. Mr. Chairman, I yield one-half minute to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chairman, I appreciate the gentlewoman yielding. I certainly associate myself with her remarks and am opposed to the amendment.

I would respond to an earlier remark made by the gentleman from Texas when he complained about the deficits. There are two sides to balancing the budget. There is the expenditure side, and I do think the debate taking place here is very healthy. I would hope that the gentleman would also have the same debate initiated as far as the 70 percent of the spending taking place. And that is mandatory spending. And those tax provisions, once they are a precedent to the Tax Code, inure to the benefit, the last time I look, of people that pay taxes, which are not units of the government, but private citizens and private corporations.

Mrs. EMERSON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I think everybody in Congress understands our need to get away from the addiction we have to oil, and anything we can do to develop alternative sources of energy is critical to our national and our economic security.

I want to say, too, the appropriations process is local control at its highest level, and we have to keep this authority within the Congress and not abdicate our responsibility to represent our own districts.

I urge a "no" vote on the Flake amendment.

The Acting CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used for Juniata Ultra Low Emission Locomotive Demonstration, PA.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the

gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this will be my final amendment, at the risk of hearing cheers from the gentleman from Idaho.

Mr. Chairman, this is \$1 million for the Juniata locomotive shop. I believe that it goes to a locomotive shop owned by Norfolk Southern. I can't know for sure, because there is no description of the earmark anywhere in the bill.

Let me read a quote from Norfolk Southern Chairman David Goode in 2005: "Thinking back to the beginning of my rail career in the late 1960s and early 1970s, rail systems were failing badly. There were strongly held beliefs that we were headed for a failed and nationalized system. In that context, you began to realize the strength of an industry that rebuilt itself, albeit with a lot of government policy help, although essentially no government money."

But now it seems that we are giving them money as well.

Again, here is a situation where we know so little about this earmark, and this seems to be the only forum where we can find out about it. When we come and debate it on the floor, we might get a little window into the process and see what this is about: Has this been authorized? What is the process of oversight? That is what we are here for.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I rise today in strong opposition to my colleague's amendment, which seeks to eliminate an important research and development program that would take place in the Juniata locomotive shop, which is in Altoona, Pennsylvania. Yes, that is my district. I am proud to stand up and take claim for this earmark.

□ 2100

But I am also proud to stand up and say this has been authorized. This has gone through the authorization program, and it has gone through the appropriations committees.

In the 2005 Energy Bill that we passed, the Diesel Emission Reduction Act of 2005, we are pushing, we are prodding, we are forcing our companies in this country to reduce emissions. And when we are encouraging and when we are prodding and forcing people to do that, companies to do that, I think that we have an obligation to assist in getting those things developed

and doing the public and private assistance that comes together to reduce emissions, especially in our aging diesel fleet in the rail industry.

In 2006, the rail industry will embark on a new program to produce cleaner locomotives that utilize conventional truck engines to charge large stacks of batteries that power locomotives. In this account also there is a 50/50 match on this legislation. But what this earmark does, it is a 90/10. Norfolk Southern is providing 90 percent of the funding to do this important research and develop this initiative, and the taxpayers are putting in 10 percent.

This new hybrid locomotive will reduce harmful emissions, increase fuel efficiency and take locomotive research and development in a new direction.

The freight rail industry consumed over 4 billion gallons of diesel fuel in 2005 and freight rail traffic has grown at unprecedented levels in the past 3 years. Finding new technologies to save fuel in the movement of freight will benefit everybody.

Additionally, it is important to note that any technology gains from this project and research development will be open to the public. So this a 10 percent investment by the public, and everybody will benefit. General Electric will benefit. The other rail companies will benefit by this research and development.

Further, Mr. Chairman, this is about more than just reducing energy use. It is about improving our environment.

I prefer working cooperatively with the private sector to reduce harmful emissions of nitrous oxide, hydrocarbons, and particulate matter. This program seeks to accomplish this as well.

Last year, America's freight rail industry spent nearly \$1 billion on new locomotive purchases. This money helped buy newer, more fuel efficient equipment.

While the newer locomotives are 40 percent more fuel efficient than just a decade ago, we need to take the next step in moving emissions reductions to extremely low levels, something we cannot accomplish with conventional locomotive engines.

This program will encourage industry to work on a prototype hybrid ultra-low emissions locomotive that will reduce nitrous oxide emissions by 80 to 90 percent, which is the primary component of smog, reduce diesel fuel consumption by 40 percent and lower particulate matter by 80 percent.

In a time when increasing fuel efficiency and reducing dependence on foreign sources of energy are vital to ensuring our Nation's energy independence, we should be encouraging public-private partnerships that seek to further these goals.

We need to build on our Nation's advantages, one of which is the best freight rail system in the world, which helps us compete globally. By making this mode even more fuel efficient, it

will be reducing costs of transportation to our Nation's consumers and making the air we breath even cleaner.

Mr. Chairman, I would encourage my colleague from Arizona to withdraw the amendment, but, if not, I hope my colleagues will support me and vote down this amendment. This initiative, if enacted, it will, by 2008, will have hybrid locomotives as well as hybrid cars moving us into the future.

Mr. HOBSON. Mr. Chairman, might I ask how much time is remaining?

The Acting CHAIRMAN (Mr. MCHUGH). The gentleman from Ohio (Mr. HOBSON) has 1 minute remaining.

Mr. HOBSON. Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just make the point that why would we assist only the locomotive sector? What about construction vehicles, highway vehicles? Again, we are picking and choosing, just based on our decisions. We are not the font of all knowledge.

And if we decide that we are just going to direct every bit of spending and that we are not going to have oversight because we have directed it and therefore we need no oversight, and all we have in terms of oversight is this 5 minutes that we have really never exercised before to question an earmark when it comes to the House floor, Mr. Chairman, I would submit that we have a broken process here. It is simply wrong. We cannot be doing this.

Again, let me just simply say, when do we concede that we are out of control? It was 5,000. We are up to over 10,000 earmarks a year. When it is too much?

In 1987, President Reagan vetoed the highway bill because there were 152 earmarks. The last highway bill we passed last year had over 6,000. Other bills have had similar increases in earmarks. And yet we say it is not enough.

If we know our own districts and we know how to direct spending, then why not direct it all? Why not earmark every account?

Again, we have demonstrated again and again, some of the authors of these amendments have not even shown up to defend them. We do not even know if there is any oversight for previous earmarks or for the ones that are here now. Yet we just blindly just say, all right, if a Member wants it, let's approve it.

I would simply submit that we have got to stop that. We have got to stop that. We are out of control. We have a fiscal train wreck coming up when it comes to entitlement spending and discretionary spending.

And this notion again that cutting those earmarks is not going to save money because it will simply be spent by the government agency is simply not true. All the committee had to do was the 302 allocations, and then they can simply say let's designate that for war funding. We know we are going to

spend that money. You can reallocate before you report the bill out of committee.

So this notion that, okay, we are here, we might as well spend it or the administration will, that is simply a false choice. We are here as legislators. Again, as I said yesterday, we are not potted plants. I think taxpayers expect us to make hard choices, and we are not making them.

We are basically saying, if you can justify a project in your district, if you think it is a good idea, then we ought to fund it, by golly, and there ought to be very little oversight, because you know what is best for your district.

That is not the best way to go. We are not the font of all knowledge. We cannot outguess the market. We try and try and we will come up with an example of where this earmark led to this discovery or that, and we ignore that when we take money from the taxpayers and spend it on a teapot museum or on the Punxsutawney Weather Museum in Pennsylvania or on the Rock and Roll Hall of Fame or on the Baseball Hall of Fame, then we are taking money we should not take from the taxpayers at all.

Mr. Chairman, I yield back the balance of my time.

Mr. HOBSON. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Chairman, going to the Rock and Roll Hall of Fame, it is a beautiful place.

Mr. Chairman, I did not request this earmark; Mr. SHUSTER did. I think he has adequately defended it. I would rise, as the chairman of the Railroad Subcommittee, to tell the gentleman, in 2004, the EPA identified 495 counties across America, maybe some in your district, that are not in attainment.

The purpose of this program, as Mr. SHUSTER laid out, is to reduce emissions and increase fuel efficiency; And he went through what it is going to flock out of the air. I would tell the gentleman, because I listened carefully to his discussion of the previous appropriations bill and this one, this is authorized. We did it in the Energy Act, \$200 million a year for the next 5 years, \$49 million is provided for these programs in the President's budget this year.

I know the gentleman is busy. But if he ever has a free moment and you want to come to the Railroad Subcommittee, we did in fact conduct oversight hearings on programs like this, talking about the new technologies, talking about the public-private partnerships that are going to get us into the next century.

Mr. Chairman, I will tell the gentleman, because of programs like this we are now able to move a ton of cargo from New York to Boston on one gallon of diesel fuel; and thanks to Mr. SHUSTER's innovations and foresight in earmarking this program, we are going to do it without polluting the air.

So I hope the gentleman reconsiders this amendment. It is authorized, and we have had oversight.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

Mr. HOBSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, the reason I am standing here is to engage the chairman of the Energy and Water Development Appropriations Subcommittee in a colloquy.

First of all, I want to just take a second to commend Chairman HOBSON and the ranking member and the Appropriations Subcommittee staff for their outstanding work in the difficulty in bringing some of these measures before the floor, for their hard work.

Mr. Chairman, my Florida district includes the coastline along Flagler County, which has been dramatically devastated by recent hurricanes and damaging storms. The beach has steadily eroded; and sections of our historic and scenic national highway A1A have been washed away by the storms. Because some of the road has fallen into the Atlantic Ocean, the Florida Department of Transportation has installed a temporary seawall in those areas.

Initially, we had some problems in reaching a local consensus on the best way to restore the beach and secure this scenic and coastal highway. However, with hurricane season approaching, if this vital highway falls, our only emergency route in this area could be lost.

Earlier this month, I brought together our local leaders and decision-makers to discuss the problem and identify solutions. A consensus has been reached that we must complete a feasibility study and cooperate with the Corps of Engineers so the critical restoration work can be expedited. State and local officials will also be working together with Federal officials to explore cost-effective alternative restoration technologies.

I would like to, finally, ask the chairman if he would continue to work with me on this very important project for my district and also in conference to provide the critical resources to protect and restore the coastal areas and devastated beaches in Flagler County, Florida.

Mr. HOBSON. I have seen the pictures that you have given me, and I certainly understand the problem there in Florida. We will try to work with you every way we can. Because I have

seen it. It has fallen in, and it has got to be fixed.

Mr. MICA. Mr. Chairman, I thank the gentleman and the subcommittee.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire (Mr. BRADLEY).

Mr. BRADLEY of New Hampshire. Mr. Chairman, first, I would like to take this opportunity to praise Chairman HOBSON and the ranking member, Mr. VISCLOSKEY, for putting together this well-balanced bill. I applaud the chairman for his efforts in bringing this measure to the floor.

I rise, though, to ask a question of you, Mr. Chairman, because I am concerned with the provision added to the bill during the committee markup. The bill as currently written provides \$10 million for the Department of Energy's Clean Cities Program. This program is devoted to the advancement and usage of alternative fuels.

In my home State of New Hampshire, the Granite State Clean Cities Coalition has done wonderful things, including the construction of a biodiesel filling station for off-road vehicles, support for the development of 10 public on-road biodiesel fueling stations, and the creation of natural gas refueling stations for the University of New Hampshire's bus fleet.

At a time when gasoline is well above \$3 a gallon, I believe now more than ever we need to support programs that promote the use of alternative fuels and vehicles. However, during the committee markup, a provision was added that would set aside \$8 million of the Clean Cities \$10 million for E-85 ethanol infrastructure.

While I fully support the development of new E-85 stations, however, the Clean Cities Program has always been fuel neutral, awarding funds through a competitive process based on the merit of each project. I fear that allocating 80 percent of the program's funds for only one type of alternative fuel alters the competitive intent of that program.

Mr. Chairman, I would respectfully ask to be able to work with you during the committee of conference to try and rectify this issue. I thank you for yielding.

Mr. HOBSON. We will work with you. But I want you to understand that this was part of an amendment we accepted because we do want to encourage more E-85 use, and we were getting some complaints that there was not enough money out there.

But I understand what it has done to this program. In conference we will try to work to see if we can get some more money on the program.

Mr. Chairman, may I ask how much time remains?

The Acting CHAIRMAN. The gentleman has 1 minute remaining.

Mr. HOBSON. I would like to yield back on that and strike the last word if I might.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Let me take just a moment to say that this has been a very spirited debate out here this evening. But I think at the end of the day we have got a good bill. I would encourage support for the committee's positions.

Mr. Chairman, I think we have cut back the number of earmarks this year in an amount of over \$200 million. We have stayed within our 302(b) amount, and we have tried to take on the administration where we think appropriate, because I do not think everything they do is correct.

□ 2115

On the other hand, I do not think everything we do is correct, and we try to take that on where we can.

Mr. VISCLOSKEY. Mr. Chairman, will the gentleman yield?

Mr. HOBSON. I yield to the gentleman from Indiana.

Mr. VISCLOSKEY. I appreciate the chairman yielding, and I appreciate your leadership on this bill.

This is a finely crafted piece of legislation and, again, I congratulate the Chair and all the members of the committee and the staff, and I would encourage the membership to strongly support this legislation. It has been a pleasure to work with the gentleman from Ohio.

Mr. HOBSON. Thank you. I appreciate working with you, too, sir.

Mr. Chairman, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PRICE of Georgia) having assumed the chair, Mr. McHUGH, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5427) making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken later today.

RESPECT FOR AMERICA'S FALLEN HEROES ACT

Mr. BUYER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 5037) to amend titles 38 and 18, United States Code, to prohibit certain demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Respect for America's Fallen Heroes Act".

SEC. 2. PROHIBITION ON CERTAIN DEMONSTRATIONS AT CEMETERIES UNDER THE CONTROL OF THE NATIONAL CEMETERY ADMINISTRATION AND AT ARLINGTON NATIONAL CEMETERY.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by adding at the end the following new section:

"§2413. Prohibition on certain demonstrations at cemeteries under control of the National Cemetery Administration and at Arlington National Cemetery

"(a) PROHIBITION.—No person may carry out—

"(1) a demonstration on the property of a cemetery under the control of the National Cemetery Administration or on the property of Arlington National Cemetery unless the demonstration has been approved by the cemetery superintendent or the director of the property on which the cemetery is located; or

"(2) with respect to such a cemetery, a demonstration during the period beginning 60 minutes before and ending 60 minutes after a funeral, memorial service, or ceremony is held, any part of which demonstration—

"(A)(i) takes place within 150 feet of a road, pathway, or other route of ingress to or egress from such cemetery property; and

"(ii) includes, as part of such demonstration, any individual willfully making or assisting in the making of any noise or diversion that disturbs or tends to disturb the peace or good order of the funeral, memorial service, or ceremony; or

"(B) is within 300 feet of such cemetery and impedes the access to or egress from such cemetery.

"(b) DEMONSTRATION.—For purposes of this section, the term 'demonstration' includes the following:

"(1) Any picketing or similar conduct.

"(2) Any oration, speech, use of sound amplification equipment or device, or similar conduct that is not part of a funeral, memorial service, or ceremony.

"(3) The display of any placard, banner, flag, or similar device, unless such a display is part of a funeral, memorial service, or ceremony.

"(4) The distribution of any handbill, pamphlet, leaflet, or other written or printed matter other than a program distributed as part of a funeral, memorial service, or ceremony."

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2413. Prohibition on certain demonstrations at cemeteries under control of National Cemetery Administration and at Arlington National Cemetery."

(b) CONSTRUCTION.—Nothing in section 2413 of title 38, United States Code (as amended by subsection (a)), shall be construed as limiting the authority of the Secretary of Veterans Affairs, with respect to property under control of the National Cemetery Administration, or the Secretary of the Army, with respect to Arlington National Cemetery, to issue or enforce regulations that prohibit or restrict conduct that is not specifically covered by section 2413 of such title (as so added).

SEC. 3. PENALTY FOR VIOLATION OF PROHIBITION ON UNAPPROVED DEMONSTRATIONS AT CEMETERIES UNDER THE CONTROL OF THE NATIONAL CEMETERY ADMINISTRATION AND AT ARLINGTON NATIONAL CEMETERY.

(a) PENALTY.—Chapter 67 of title 18, United States Code, is amended by adding at the end the following new section:

"§1387. Demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery

"Whoever violates section 2413 of title 38 shall be fined under this title, imprisoned for not more than one year, or both."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1387. Demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery."

SEC. 4. SENSE OF CONGRESS ON STATE RESTRICTION OF DEMONSTRATIONS NEAR MILITARY FUNERALS.

It is the sense of Congress that each State should enact legislation to restrict demonstrations near any military funeral.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. BUYER) and the gentleman from Texas (Mr. REYES) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise this evening in great anticipation that we will pass H.R. 5037, as amended, and send the Respect for America's Fallen Heroes Act to the President for his signature by Memorial Day.

Each family of the United States military now attends to their loved ones funeral with a wrenching worry that it will be met possibly with a protest or a demonstration. With the approach of our Nation's annual day of remembrance, it is altogether fitting that we approve this bill to protect the sanctity of our military funerals at our national cemeteries and Arlington National Cemetery.

H.R. 5037, as amended, reflects a compromise agreement with the Senate that would prohibit demonstrations taking place within 150 feet of a road, pathway or other routes of ingress or egress from the national cemeteries and Arlington National Cemetery 60 minutes before and 60 minutes after the military funeral.

On May 9 the House voted 408-3 to pass H.R. 5037, thus demonstrating overwhelming bipartisan support for protecting military funerals. This bill does not unconstitutionally draw distinctions on what demonstrations are and are not allowed based on the content of the speech. It would not interfere with the VA Secretary's existing ability to regulate on VA property other conduct that is not specifically referenced in this legislation.

Penalties associated with the violations of this legislation are fair and proportionate. A violation would be a class A misdemeanor under title 18 of the United States Code and result in fines of up to \$100,000 and imprisonment of not more than one year or both. The penalty balances proportionality with the need for deterrence that has been demonstrated in outrageous disruptions that we as a Nation can no longer tolerate.

Mr. Speaker, I reserve the balance of my time.

Mr. REYES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to first of all thank our chairman, Mr. BUYER, as well as Senator CRAIG and Senator AKAKA for their speedy work in finalizing this legislation before the Memorial Day recess. I would also like to thank my good friend and colleague, Mr. ROGERS, for co-sponsoring this legislation and being a really moving force behind this effort.

Mr. Speaker, as we gather to mourn our honored dead, passage of H.R. 5037, the Respect for America's Fallen Heroes Act, will send a clear message to those who have lost a loved one in service to our Nation that their right to grieve in peace will be respected.

Organized protests have disrupted the sanctity of funerals conducted throughout the United States for our military men and women killed while serving in our current military operations in Iraq and Afghanistan. Servicemembers who have made the ultimate sacrifice deserve to be buried with honor and dignity. The families of these courageous men and women deserve funerals that allow them to say goodbye to their loved ones and to mourn their loss in peace.

H.R. 5037 is narrowly tailored to protect military families at this sacred time from verbal attacks while also protecting our freedom of speech. Furthermore, provisions in this legislation are in line with judicial precedents specific to time, to place and manner of demonstrations.

The Senate amendments to this bill limit the area in which demonstrations are restricted to within 150 feet of methods of ingress and egress from cemetery property or within 300 feet of such cemetery in a manner that impedes the access to or egress from the cemetery. The Senate version of the bill is more narrowly drafted to ensure free speech is protected, but it still fulfills the original intent of the House passed bill.

In my congressional district of El Paso, Texas, our community has mourned the loss of 20 servicemembers who have given their lives while serving in our current missions in Iraq and Afghanistan. As a Vietnam combat veteran myself and member of the House Veterans' Affairs and House Armed Services Committees, I want to assure the families of our deceased servicemembers that this Congress will ensure our Nation's heroes are given the dignified burial that they deserve.

Mr. Speaker, next Monday, our Nation will come together to remember and to honor our servicemembers who have made the ultimate sacrifice while in service to our country.

I want to commend the House and the Senate leadership for moving this bipartisan legislation so quickly so that it can be signed into law before Memorial Day. I ask all of my colleagues to join us in honoring our fallen servicemembers by voting in favor of H.R. 5037.

Mr. Speaker, I reserve the balance of my time.

Mr. BUYER. Mr. Speaker, I yield 7 minutes to the gentleman from Michigan (Mr. ROGERS), a fellow comrade of mine, a former Army captain.

Mr. ROGERS of Michigan. Mr. Speaker, I want to thank my good friend and colleague, a former veteran and great servant to his country, Mr. REYES, for your help and your impetus and your leadership on this particular bill. We could not have done it without you and your leadership. Thank you, sir.

To Chairman BUYER, thank you very much for your time and counsel and your hard work and dedicating your staff to making this happen here this evening.

To Senators FRIST and CRAIG, thank you very, very much for your quick action, your good work, your wise counsel and actually improving the bill a tad bit as they send it back to this Chamber.

The majority leader and the Speaker deserve our thanks as well for understanding the importance of this. We do not do things fast around here, and I think our Founding Fathers thought this was a pretty good idea. But this is one that we came together on a bipartisan effort and realized this we must quickly rise up to stand with the families who are grieving with the loss of great American patriots.

I just want to tell quickly, Mr. Speaker, the story of why this happened and why we got here, at least one example of many examples.

I visited a young family down at Brook Army Medical Center in Texas. Three great American soldiers who were from Michigan, a National Guard unit, were attacked by an IED and were recovering from some very severe wounds. You go down and you get to meet their families, and they are bonding together to support their loved ones who are literally fighting for their lives every single day.

Unfortunately, of course, at that time, SGT Joshua Youmans succumbed to his wounds and died. Prior to that, just a week before, after he had come back, he got to hold in his hands for the first time his daughter before he passed away. His wife was the most courageous woman I have ever met during that whole time. So we gather up to go to the celebration of the life of SGT Joshua Youmans, a time to celebrate his service, his sacrifice, the family's grieving, a community's thanks and appreciation for service given to their country.

When you pull up, you see this pretty hateful stuff. On the outside of the church were protestors who were taunting and harassing the family, this young widow, her young daughter McKenzie, their family, trying to walk in and give some dignity and respect and celebration to a life of a great American who signed up on his own to defend this Nation because he believed and a family's celebration of their love

for him and the joys that they experienced in his short time on this Earth.

What a contrast it was. When she got up to give the eulogy for her husband, protestors outside yelling hateful chants, harassing, saying, "Thank God for the death of SGT Joshua Youmans," flags wrapped around their feet as they paraded and shouted.

Through all of that, this very courageous woman who had just lost the love of her life gets up to eulogize her husband. One side of the church is packed with the National Guard unit, some of the toughest, greatest Americans you will ever have the privilege to meet. Without a dry eye in the house, she proceeded to tell of her love for her husband and how proud she was that she was an Army wife and how she could not wait to look in the eyes of her daughter and tell her about the great patriot, a great American, a great hero, her father, the one she would never get to know.

We knew that day that we must do better by those families. They deserve the right to bury their loved ones in peace and with dignity. This is really America's time to stand up and say to every member of the United States military, to every family who worries every single day, this is America's time to put their arms around those families and protect them and give them the right that they deserve to peacefully and with dignity pay their last respects to great American heroes.

I want to thank all of the folks who have worked so hard on this, even my staff member Andy Keiser, who dedicated an immense amount of time to make this happen. This happens shortly before Monday. What Monday is, is that day where we stand up and say, we remember and we are thankful for all the sacrifices for all of those who came before us to make this country great and have given their lives in defense of our Nation.

This bill is important for so many reasons. It protects the families here. It certainly protects the first amendment here as well. But it also sends a very clear signal to the men and women risking their lives today that we will not forsake you. We will stand by you. And we will give you your last rights, God forbid it should happen. And we will stand with the families of America who have lost so much and deserve our love, our respect and America's dignity.

Thank you all for participating in this. And again, I just want to thank you, Mr. REYES, for your hard work, your dedication and your passion for this issue and your passion for America's soldiers. Thanks for doing it.

Mr. BUYER. Mr. Speaker, I reserve the balance of my time.

Mr. REYES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have had regrettably over 2,400 casualties; 2,400-plus stories like the one my colleague from Michigan just related; over 2,400 courageous stories of Americans that have paid the

ultimate sacrifice so that people can have the right to freedom of speech.

It is very ironic that we have to pass this kind of legislation. But it is also very necessary so that communities around our great Nation can mourn their dead.

□ 2130

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BACA), who has been a true leader on veterans issues and especially from the Congressional Hispanic Caucus.

Mr. BACA. Mr. Speaker, I stand in support of H.R. 5037.

First of all, I want to thank the chairman, Mr. BUYER, for his support and his leadership and his vision in protecting and speaking on behalf of our veterans. I think it is important that we have someone who has served in the military who will stand up for a lot of our veterans. As you see in Congress today, we do not have a lot of individuals who have served in the military or are willing to stand up with it.

The other individual I would like to thank is SYLVESTRE REYES, because he truly has served as a veteran, has served in the committee and stands up for important legislation that talks about the Fallen Heroes Act. Right now, that is important for a lot of us.

I want to thank both of you for standing up and your leadership on behalf of all veterans of America, because we owe it to our veterans.

Many of our veterans who serve our country serve with honor and dignity. They believe in this country. They believe in standing up for the freedoms we enjoy today. A lot of them do not know what is going to happen to them, but they serve with honor and dignity because they believe in the freedoms that we enjoy today and the freedoms that we will enjoy tomorrow.

But if a fallen hero falls, we have the responsibility as Americans to make sure that we protect them and that they have the right to bury their families with honor and with dignity. As Americans, we have that responsibility because, ultimately, they give the sacrifice for us so that we can enjoy those freedoms, those freedoms that we take for granted every day of our life, whether to buy a home, go to school, go to college, enjoy the freedom of speech, enjoy whatever we need. We have the same responsibility to those individuals who have fallen.

To the parents and the relatives, to a wife or anyone else who is there, I think this bill is the right thing to do because we need to respect with honor and dignity those who are willing to sacrifice for us. Too often, we forget.

As we look at the flag right behind you, Mr. Speaker, it is a flag that we honor. It is a flag that many individuals have stood for. It is our veterans who have done that, and when they receive that flag, and many of them receive that flag, it should be done with honor and dignity, without any disruption of anyone picketing, and too often we forget that.

Mr. Speaker, I stand in support of this important legislation on behalf of all veterans who are willing to serve now and will serve us in the future. We owe it to them, and I appreciate what Mr. REYES has done and Mr. BUYER has done.

Mr. REYES. Mr. Speaker, I do not have any additional requests for time, and I yield back the balance of my time.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

H.R. 5037, as amended, is well-considered legislation that carefully follows the United States Supreme Court and the Federal Circuit Court of Appeals precedents.

We have worked also cooperatively with the White House on this bill, and I would like to specifically thank Alex Mistri for his hard work. I thank the chief sponsors of the bill, Mr. ROGERS of Michigan and SYLVESTRE REYES of Texas, my comrade in arms, and JOE BACA, a veteran, JEFF MILLER of Florida, as well as our colleagues in the United States Senate, namely, Senators GRAHAM and CHAMBLISS, Senator FRIST, Senator VITTER, JIM INHOFE, LARRY CRAIG, the ranking member DANIEL AKAKA, for working with all of us to ensure that families contending with this most painful of tragedies does not face the sights and sounds of hateful disruption.

I also want to take this moment to thank Chairman JAMES SENSENBRENNER and the ranking member, JOHN CONYERS, of the House Judiciary Committee and Chairman STEVE CHABOT and Ranking Member JERRY NADLER on the Subcommittee on the Constitution for their cooperation and assistance on the bill's drafting and the constitutional considerations.

I agree with the comment earlier of Mr. ROGERS of Michigan that the Founders created this bicameral legislature to make things very difficult and challenging. When you look back, the Committee on Veterans' Affairs, we conducted our hearing back on April 6. We brought this legislation, after careful consideration, to the floor on May 9. It was sent over to the Senate. They worked their magic. They improved the bill. We bring it back and adopt it; and, hopefully, the President signs this into law Memorial Day. That is good work. That is the bipartisan cooperation that we have, and it is necessary to move veterans legislation.

I also want to take this moment to thank the National Commander Jeff Brown of the Patriot Guard Riders. These are individuals that saw an injustice and said that we will not permit people to dance on sacred ground and we will not wait for the government to act. We will defend these families and set the standards of dignity in our country with regard to military funerals.

I thank them. They have over 33,000 riders on motorcycles. When one of our soldiers falls, they grab the guidon and the American flag and they take on a

mission, and the mission is to protect these military families.

Well, it is also now our responsibility to help these Patriot Riders to set forth a law so that they will not interfere with our VA national cemeteries and Arlington National Cemetery. This is the right thing to do.

So I ask my colleagues to support this legislation to preserve the sanctity of our patriots' funerals at our national cemeteries and Arlington and to ensure that the only sound echoing over a grieving family are the bugler's notes, calling upon us to remember a life well-lived and a Nation well-served.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PRICE of Georgia). The question is on the motion offered by the gentleman from Indiana (Mr. BUYER) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 5037.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and Senate amendment was concurred in.

A motion to reconsider was laid on the table.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 832 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5427.

□ 2137

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5427) making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes, with Mr. MCHUGH (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) had been postponed and the bill had been read through page 47, line 2.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment by Mr. BISHOP of New York.

Amendment by Mr. HEFLEY of Colorado.

Amendment relating to Virginia by Mr. FLAKE of Arizona.

Amendment relating to Pennsylvania by Mr. FLAKE of Arizona.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. BISHOP OF NEW YORK

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. BISHOP) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 164, noes 258, answered “present” 1, not voting 9, as follows:

[Roll No. 202]

AYES—164

Ackerman	Grijalva	Napolitano
Allen	Gutierrez	Neal (MA)
Andrews	Harman	Oberstar
Baca	Hart	Obey
Baird	Hastings (FL)	Olver
Baldwin	Hereth	Owens
Becerra	Higgins	Pallone
Berkley	Hinchey	Pascarell
Berman	Holt	Payne
Bishop (NY)	Honda	Pelosi
Blumenauer	Hoyer	Pomeroy
Boehlert	Inslee	Price (NC)
Boswell	Israel	Rahall
Boyd	Jackson (IL)	Ramstad
Brady (PA)	Jackson-Lee	Rangel
Brown (OH)	(TX)	Rothman
Brown, Corrine	Jefferson	Roybal-Allard
Butterfield	Johnson (CT)	Ruppersberger
Capps	Johnson, E. B.	Ryan (OH)
Capuano	Kelly	Sabo
Cardin	Kildee	Sánchez, Linda
Cardoza	Kilpatrick (MI)	T.
Carnahan	Kind	Sanchez, Loretta
Carson	Kucinich	Sanders
Case	Langevin	Schakowsky
Chandler	Lantos	Schiff
Clay	Larsen (WA)	Schwartz (PA)
Cleaver	Larson (CT)	Scott (GA)
Clyburn	Leach	Scott (VA)
Conyers	Lee	Serrano
Cooper	Levin	Shays
Costello	Lewis (GA)	Sherman
Cramer	LoBiondo	Simmons
Crowley	Lofgren, Zoe	Slaughter
Cummings	Lowey	Smith (NJ)
Davis (AL)	Maloney	Smith (WA)
Davis (CA)	Markey	Solis
Davis (FL)	Matsui	Stark
Davis (IL)	McCollum (MN)	Sweeney
Delahunt	McDermott	Tauscher
DeLauro	McGovern	Thompson (CA)
Doggett	McIntyre	Tierney
Emanuel	McKinney	Towns
Engel	McNulty	Udall (CO)
Eshoo	Meehan	Van Hollen
Etheridge	Meek (FL)	Velázquez
Farr	Meeks (NY)	Wasserman
Fattah	Michaud	Schultz
Ferguson	Millender-	Waters
Filner	McDonald	Watson
Fitzpatrick (PA)	Miller (NC)	Watt
Ford	Miller, George	Waxman
Frank (MA)	Moore (KS)	Weiner
Frelinghuysen	Moore (WI)	Wexler
Gerlach	Moran (VA)	Woolsey
Green, Al	Nadler	Wu

NOES—258

Abercrombie	Bean	Bonner
Aderholt	Beauprez	Bono
Akin	Berry	Boozman
Alexander	Biggert	Boren
Bachus	Bilirakis	Boucher
Baker	Bishop (GA)	Boustany
Barrett (SC)	Bishop (UT)	Bradley (NH)
Barrow	Blackburn	Brady (TX)
Bartlett (MD)	Blunt	Brown (SC)
Barton (TX)	Boehner	Brown-Waite,
Bass	Bonilla	Ginny

Burgess	Hinojosa	Petri
Burton (IN)	Hobson	Pickering
Buyer	Hoekstra	Pitts
Calvert	Holden	Platts
Camp (MI)	Hooley	Poe
Campbell (CA)	Hostettler	Pombo
Cannon	Hulshof	Porter
Cantor	Hunter	Price (GA)
Capito	Hyde	Pryce (OH)
Carter	Inglis (SC)	Putnam
Castle	Issa	Radanovich
Chabot	Jenkins	Regula
Chocola	Jindal	Rehberg
Coble	Johnson (IL)	Reichert
Cole (OK)	Johnson, Sam	Renzi
Conaway	Jones (OH)	Reyes
Costa	Kanjorski	Reynolds
Crenshaw	Kaptur	Rogers (AL)
Cubin	Keller	Rogers (KY)
Cuellar	King (IA)	Rogers (MI)
Culberson	King (NY)	Rohrabacher
Davis (KY)	Kingston	Ros-Lehtinen
Davis (TN)	Kirk	Ross
Davis, Jo Ann	Kline	Royce
Davis, Tom	Knollenberg	Rush
Deal (GA)	Kolbe	Ryan (WI)
DeFazio	Kuhl (NY)	Ryun (KS)
DeGette	LaHood	Salazar
DeLay	Latham	Saxton
Dent	LaTourette	Schmidt
Diaz-Balart, L.	Lewis (CA)	Schwarz (MI)
Diaz-Balart, M.	Lewis (KY)	Sensenbrenner
Dicks	Lipinski	Sessions
Dingell	Lucas	Shadegg
Doolittle	Lungren, Daniel	Shaw
Doyle	E.	Sherwood
Drake	Lynch	Shimkus
Dreier	Mack	Shuster
Duncan	Manzullo	Simpson
Edwards	Marchant	Smith (TX)
Ehlers	Marshall	Sodrel
Emerson	Matheson	Souder
English (PA)	McCaul (TX)	Spratt
Everett	McCotter	Stearns
Feeney	McCrery	Stupak
Flake	McHenry	Sullivan
Foley	McHugh	Tancred
Forbes	McKeon	Tanner
Fortenberry	McMorris	Taylor (MS)
Fossella	Melancon	Taylor (NC)
Fox	Mica	Terry
Franks (AZ)	Miller (FL)	Thomas
Gallegly	Miller (MI)	Thompson (MS)
Garrett (NJ)	Miller, Gary	Thornberry
Gibbons	Mollohan	Tiahrt
Gilchrest	Moran (KS)	Tiberi
Gillmor	Murphy	Turner
Gingrey	Murtha	Udall (NM)
Gohmert	Musgrave	Upton
Gonzalez	Myrick	Visclosky
Goode	Neugebauer	Walden (OR)
Goodlatte	Ney	Walsh
Gordon	Northup	Wamp
Granger	Norwood	Weldon (FL)
Graves	Nunes	Weldon (PA)
Green (WI)	Nussle	Weller
Green, Gene	Ortiz	Westmoreland
Gutknecht	Osborne	Whitfield
Hall	Otter	Wicker
Harris	Oxley	Wilson (NM)
Hastings (WA)	Pastor	Wilson (SC)
Hayes	Paul	Wolf
Hayworth	Pearce	Wynn
Hefley	Pence	Young (AK)
Hensarling	Peterson (MN)	Young (FL)
Herger	Peterson (PA)	

ANSWERED "PRESENT"—1

McCarthy

NOT VOTING—9

Evans	Kennedy (MN)	Skelton
Istook	Kennedy (RI)	Snyder
Jones (NC)	Linder	Strickland

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 2202

Mr. CUELLAR and Mr. REYES changed their vote from "aye" to "no." Messrs. BRADY of Pennsylvania, FARR, LOBIONDO, FERGUSON, SMITH of New Jersey, CRAMER,

DELAHUNT and RAMSTAD changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HEFLEY

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 87, noes 338, not voting 7, as follows:

[Roll No. 203]

AYES—87

Akin	Franks (AZ)	Neugebauer
Bachus	Garrett (NJ)	Norwood
Barrett (SC)	Gibbons	Otter
Bartlett (MD)	Gohmert	Paul
Bass	Graves	Pence
Bean	Green (WI)	Petri
Beauprez	Gutknecht	Pitts
Blackburn	Harris	Poe
Brady (TX)	Hefley	Price (GA)
Brown-Waite,	Hensarling	Radanovich
Ginny	Herger	Ramstad
Burgess	Higgins	Rogers (MI)
Burton (IN)	Hostettler	Rohrabacher
Campbell (CA)	Inglis (SC)	Royce
Cannon	Issa	Ryan (WI)
Chabot	Jenkins	Ryun (KS)
Chocola	Johnson, Sam	Sensenbrenner
Coble	Jones (NC)	Sessions
Cooper	Keller	Shadegg
Davis (TN)	King (IA)	Shimkus
Davis, Jo Ann	Lewis (KY)	Stearns
Deal (GA)	Mack	Sullivan
Diaz-Balart, M.	Manzullo	Tancred
Duncan	Marchant	Taylor (MS)
Everett	Matheson	Terry
Feeney	McHenry	Tiberi
Flake	Mica	Westmoreland
Foley	Miller (FL)	Wilson (SC)
Fossella	Musgrave	
Fox	Myrick	

NOES—338

Abercrombie	Boswell	Conyers
Ackerman	Boucher	Costa
Aderholt	Boustany	Costello
Alexander	Boyd	Cramer
Allen	Bradley (NH)	Crenshaw
Andrews	Brady (PA)	Crowley
Baca	Brown (OH)	Cubin
Baird	Brown (SC)	Cuellar
Baker	Brown, Corrine	Culberson
Baldwin	Butterfield	Cummings
Barrow	Buyer	Davis (AL)
Barton (TX)	Calvert	Davis (CA)
Becerra	Camp (MI)	Davis (FL)
Berkley	Cantor	Davis (IL)
Berman	Capito	Davis (KY)
Berry	Capps	Davis, Tom
Biggert	Capuano	DeFazio
Bilirakis	Cardin	DeGette
Bishop (GA)	Cardoza	DeLahunt
Bishop (NY)	Carnahan	DeLauro
Bishop (UT)	Carson	DeLay
Blumenauer	Carter	Dent
Blunt	Case	Diaz-Balart, L.
Boehlert	Castle	Dicks
Boehner	Chandler	Dingell
Bonilla	Clay	Doggett
Bonner	Cleaver	Doolittle
Bono	Clyburn	Doyle
Boozman	Cole (OK)	Drake
Boren	Conaway	Dreier

Edwards	Leach	Reynolds
Ehlers	Lee	Rogers (AL)
Emanuel	Levin	Rogers (KY)
Emerson	Lewis (CA)	Ros-Lehtinen
Engel	Lewis (GA)	Ross
English (PA)	Lipinski	Rothman
Eshoo	LoBiondo	Roybal-Allard
Etheridge	Lofgren, Zoe	Ruppersberger
Farr	Lowe	Rush
Fattah	Lucas	Ryan (OH)
Ferguson	Lungren, Daniel	Sabo
Filner	E.	Salazar
Fitzpatrick (PA)	Lynch	Sánchez, Linda
Forbes	Maloney	T.
Ford	Markey	Sanchez, Loretta
Fortenberry	Marshall	Sanders
Frank (MA)	Matsui	Saxton
Frelinghuysen	McCarthy	Schakowsky
Gallegly	McCaul (TX)	Schiff
Gerlach	McCollum (MN)	Schmidt
Gilchrest	McCotter	Schwartz (PA)
Gillmor	McCrery	Schwarz (MI)
Gingrey	McDermott	Scott (GA)
Gonzalez	McGovern	Scott (VA)
Goode	McHugh	Serrano
Goodlatte	McIntyre	Shaw
Gordon	McKeon	Shays
Granger	McKinney	Sherman
Green, Al	McMorris	Sherwood
Green, Gene	McNulty	Shuster
Grijalva	Meehan	Simmons
Gutierrez	Meek (FL)	Simpson
Hall	Meeks (NY)	Slaughter
Harman	Melancon	Smith (NJ)
Hart	Michaud	Smith (TX)
Hastings (FL)	Millender	Smith (WA)
Hastings (WA)	McDonald	Sodrel
Hayes	Miller (MI)	Solis
Hayworth	Miller (NC)	Souder
Herseth	Miller, Gary	Spratt
Hinchey	Miller, George	Stark
Hinojosa	Mollohan	Stupak
Hobson	Moore (KS)	Sweeney
Hoekstra	Moore (WI)	Tanner
Holden	Moran (KS)	Tauscher
Holt	Moran (VA)	Taylor (NC)
Honda	Murphy	Thomas
Hooley	Murtha	Thompson (CA)
Hoyer	Nadler	Thompson (MS)
Hulshof	Napolitano	Thornberry
Hunter	Neal (MA)	Tiahrt
Hyde	Ney	Tierney
Inslee	Northup	Towns
Israel	Nunes	Turner
Istook	Nussle	Udall (CO)
Jackson (IL)	Oberstar	Udall (NM)
Jackson-Lee	Obey	Upton
(TX)	Oliver	Van Hollen
Jefferson	Ortiz	Velázquez
Jindal	Osborne	Visclosky
Johnson (CT)	Owens	Walden (OR)
Johnson (IL)	Oxley	Walsh
Johnson, E. B.	Pallone	Wamp
Jones (OH)	Pascrell	Wasserman
Kanjorski	Pastor	Schultz
Kaptur	Payne	Waters
Kelly	Pearce	Watson
Kildée	Pelosi	Watt
Kilpatrick (MI)	Peterson (MN)	Waxman
Kind	Peterson (PA)	Weiner
King (NY)	Pickering	Weldon (FL)
Kingston	Platts	Weldon (PA)
Kirk	Pombo	Weller
Kline	Pomeroy	Wexler
Knollenberg	Porter	Whitfield
Kolbe	Price (NC)	Wicker
Kucinich	Pryce (OH)	Wilson (NM)
Kuhl (NY)	Putnam	Wolf
LaHood	Rahall	Woolsey
Langevin	Rangel	Wu
Lantos	Regula	Wynn
Larsen (WA)	Rehberg	Young (AK)
Larson (CT)	Reichert	Young (FL)
Latham	Renzi	
LaTourette	Reyes	

NOT VOTING—7

Evans	Linder	Strickland
Kennedy (MN)	Skelton	
Kennedy (RI)	Snyder	

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 2209

Mr. BURTON of Indiana changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment relating to Virginia offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 64, noes 359, not voting 9, as follows:

[Roll No. 204]

AYES—64

Barrett (SC)	Green (WI)	Neugebauer
Bartlett (MD)	Gutknecht	Otter
Bass	Harris	Paul
Bean	Hayworth	Pence
Beauprez	Hefley	Petri
Bishop (UT)	Hensarling	Pitts
Blackburn	Inglis (SC)	Poe
Blumenauer	Istook	Ramstad
Bradley (NH)	Jindal	Rohrabacher
Cannon	Johnson (IL)	Royce
Chabot	Johnson, Sam	Ryan (WI)
Chocola	Jones (NC)	Sensenbrenner
Coble	Keller	Sessions
Cooper	King (IA)	Shadegg
Deal (GA)	Kline	Shimkus
Feeney	Lungren, Daniel	Stearns
Flake	E.	Sullivan
Foley	Matheson	Tancredo
Fossella	Miller (FL)	Terry
Franks (AZ)	Miller, Gary	Tiberi
Garrett (NJ)	Musgrave	Westmoreland
Gibbons	Myrick	

NOES—359

Abercrombie	Brown (OH)	Cuellar
Ackerman	Brown (SC)	Culberson
Aderholt	Brown, Corrine	Cummings
Akin	Brown-Waite,	Davis (AL)
Alexander	Ginny	Davis (CA)
Allen	Burgess	Davis (FL)
Andrews	Burton (IN)	Davis (IL)
Baca	Butterfield	Davis (KY)
Bachus	Buyer	Davis (TN)
Baird	Calvert	Davis, Jo Ann
Baker	Camp (MI)	Davis, Tom
Baldwin	Campbell (CA)	DeFazio
Barrow	Cantor	DeGette
Barton (TX)	Capito	Delahunt
Becerra	Capps	DeLauro
Berkley	Capuano	DeLay
Berman	Cardin	Dent
Berry	Cardoza	Diaz-Balart, L.
Biggart	Carnahan	Diaz-Balart, M.
Billirakis	Carson	Dicks
Bishop (GA)	Carter	Dingell
Bishop (NY)	Case	Doggett
Blunt	Castle	Doolittle
Boehlert	Chandler	Doyle
Boehner	Clay	Drake
Bonilla	Cleaver	Dreier
Bonner	Clyburn	Duncan
Bono	Cole (OK)	Edwards
Boozman	Conaway	Ehlers
Boren	Conyers	Emanuel
Boswell	Costa	Emerson
Boucher	Costello	Engel
Boustany	Cramer	English (PA)
Boyd	Crenshaw	Eshoo
Brady (PA)	Crowley	Etheridge
Brady (TX)	Cubin	Everett

Farr	Lofgren, Zoe	Rogers (MI)
Fattah	Lowey	Ros-Lehtinen
Ferguson	Lucas	Ross
Filner	Lynch	Rothman
Fitzpatrick (PA)	Mack	Roybal-Allard
Forbes	Maloney	Ruppersberger
Fortenberry	Manzullo	Rush
Fox	Marchant	Ryan (OH)
Frank (MA)	Markey	Ryun (KS)
Frelinghuysen	Marshall	Sabo
Gallely	Matsui	Salazar
Gerlach	McCarthy	Sanchez, Linda
Gilchrest	McCaul (TX)	T.
Gillmor	McCollum (MN)	Sanchez, Loretta
Gingrey	McCotter	Sanders
Gonzalez	McCrery	Saxton
Goode	McDermott	Schakowsky
Goodlatte	McGovern	Schiff
Gordon	McHenry	Schmidt
Granger	McHugh	Schwartz (PA)
Graves	McIntyre	Schwarz (MI)
Green, Al	McKeon	Scott (GA)
Green, Gene	McKinney	Scott (VA)
Grijalva	McMorris	Serrano
Gutierrez	McNulty	Shaw
Hall	Meehan	Shays
Harman	Meek (FL)	Sherman
Hart	Meeks (NY)	Sherwood
Hastings (FL)	Melancon	Shuster
Hastings (WA)	Mica	Simmons
Hayes	Michaud	Simpson
Heger	Millender-	Slaughter
Herseth	McDonald	Smith (NJ)
Higgins	Miller (MI)	Smith (TX)
Hinchey	Miller (NC)	Smith (WA)
Hinojosa	Miller, George	Sodrel
Hobson	Mollohan	Solis
Hoekstra	Moore (KS)	Souder
Holden	Moore (WI)	Spratt
Holt	Moran (KS)	Stark
Honda	Moran (VA)	Stupak
Hooley	Murphy	Sweeney
Hostettler	Murtha	Tanner
Hoyer	Nadler	Tauscher
Hulshof	Napolitano	Taylor (MS)
Hunter	Neal (MA)	Taylor (NC)
Hyde	Ney	Thomas
Inslee	Northup	Thompson (CA)
Israel	Norwood	Thompson (MS)
Issa	Nunes	Thornberry
Jackson (IL)	Nussle	Tiahrt
Jackson-Lee	Oberstar	Tierney
(TX)	Obey	Towns
Jefferson	Olver	Turner
Jenkins	Ortiz	Udall (CO)
Johnson (CT)	Osborne	Udall (NM)
Johnson, E. B.	Owens	Upton
Jones (OH)	Oxley	Van Hollen
Kanjorski	Pallone	Velazquez
Kaptur	Pascarell	Visclosky
Kelly	Pastor	Walden (OR)
Kildee	Payne	Walsh
Kilpatrick (MI)	Pearce	Wamp
	Pelosi	Wasserman
	Peterson (MN)	Schultz
	Peterson (PA)	Waters
	Pickering	Watson
	Platts	Watt
	Pombo	Waxman
	Pomeroy	Weiner
	Porter	Weldon (FL)
	Price (GA)	Weldon (PA)
	Price (NC)	Weller
	Pryce (OH)	Wexler
	Putnam	Whitfield
	Radanovich	Bishop (UT)
	Rahall	Blunt
	Rangel	Boehlert
	Regula	Boehner
	Rehberg	Bonilla
	Reichert	Bonner
	Renzi	Bono
	Reyes	Boozman
	Reynolds	Boren
	Rogers (AL)	Boswell
	Rogers (KY)	Boucher
		Boustany
		Boyd
		Brady (PA)
		Brady (TX)
		Brown (OH)
		Brown (SC)
		Brown, Corrine
		Brown-Waite,
		Ginny
		Burgess

NOT VOTING—9

Evans	Kennedy (MN)	Skelton
Ford	Kennedy (RI)	Snyder
Gohmert	Linder	Strickland

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 2216

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The Acting CHAIRMAN (Mr. MCHUGH). The pending business is the demand for a recorded vote on the amendment relating to Pennsylvania offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 46, noes 372, not voting 14, as follows:

[Roll No. 205]

AYES—46

Barrett (SC)	Fox	Lungren, Daniel
Bartlett (MD)	Frank (MA)	E.
Bass	Franks (AZ)	Matheson
Bean	Garrett (NJ)	Musgrave
Beauprez	Gibbons	Myrick
Blackburn	Green (WI)	Neugebauer
Blumenauer	Gutknecht	Otter
Bradley (NH)	Hayworth	Paul
Chabot	Hefley	Pence
Chocola	Hensarling	Ramstad
Coble	Inglis (SC)	Royce
Cooper	Jindal	Ryan (WI)
Cubin	Jones (NC)	Sensenbrenner
Feeney	King (IA)	Sessions
Flake	Kline	Shadegg
Ford		Stearns

NOES—372

Abercrombie	Burton (IN)	DeLauro
Ackerman	Butterfield	DeLay
Aderholt	Buyer	Dent
Akin	Calvert	Diaz-Balart, L.
Alexander	Camp (MI)	Diaz-Balart, M.
Allen	Campbell (CA)	Dicks
Andrews	Cannon	Dingell
Baca	Cantor	Doggett
Bachus	Capito	Doolittle
Baird	Capps	Doyle
Baker	Capuano	Drake
Baldwin	Cardin	Dreier
Barrow	Cardoza	Duncan
Barton (TX)	Carnahan	Edwards
Becerra	Carson	Ehlers
Berkley	Carter	Emanuel
Berman	Case	Emerson
Berry	Castle	Engel
Biggart	Clay	English (PA)
Billirakis	Cleaver	Eshoo
Bishop (GA)	Clyburn	Etheridge
Bishop (NY)	Cole (OK)	Everett
Bishop (UT)	Conaway	Farr
Blunt	Conyers	Fattah
Boehlert	Costa	Ferguson
Boehner	Costello	Flner
Bonilla	Cramer	Fitzpatrick (PA)
Bonner	Crenshaw	Foley
Bono	Crowley	Forbes
Boozman	Cuellar	Fortenberry
Boren	Culberson	Fossella
Boswell	Cummings	Frelinghuysen
Boucher	Davis (AL)	Gallely
Boustany	Davis (CA)	Gerlach
Boyd	Davis (IL)	Gilchrest
Brady (PA)	Davis (KY)	Gillmor
Brady (TX)	Davis (TN)	Gingrey
Brown (OH)	Davis, Jo Ann	Gohmert
Brown (SC)	Davis, Tom	Gonzalez
Brown, Corrine	Deal (GA)	Goode
Brown-Waite,	DeFazio	Goodlatte
Ginny	DeGette	Gordon
Burgess	Delahunt	Granger

Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inlee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Maloney
Manzullo
Marchant
Markay
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)

McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-
McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Oliver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger

Rush
Ryan (OH)
Ryun (KS)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Solis
Souder
Spratt
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Chandler
Davis (FL)
Evans
Kennedy (MN)
Kennedy (RI)

Kirk
Knollenberg
Linder
McDermott
Sabo

□ 2222

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The Clerk will read the last two lines.

The Clerk read as follows:

This Act may be cited as the “Energy and Water Development Appropriations Act, 2007”.

Mr. HOBSON. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PRICE of Georgia) having assumed the chair, Mr. MCHUGH, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5427) making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Pursuant to House Resolution 832, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 404, nays 20, not voting 8, as follows:

[Roll No. 206]

YEAS—404

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman

Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler

Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.

Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Fox
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Issa
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston

Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Maloney
Manzullo
Marchant
Markay
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)

McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-
McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Oliver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo

Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Solis
Souder
Spratt
Stark
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller

Westmoreland	Wilson (NM)	Wynn
Wexler	Wolf	Young (AK)
Whitfield	Woolsey	Young (FL)
Wicker	Wu	

NAYS—20

Ackerman	Green (WI)	Petri
Barrett (SC)	Hefley	Porter
Berkley	Israel	Sensenbrenner
Cooper	Jones (NC)	Stearns
Flake	Kucinich	Tancredo
Franks (AZ)	Matheson	Wilson (SC)
Gibbons	Norwood	

NOT VOTING—8

Evans	Linder	Snyder
Kennedy (MN)	Paul	Strickland
Kennedy (RI)	Skeltion	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 2240

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5427, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2007

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 5427, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

WELCOMING THE HONORABLE EHUD OLMERT, PRIME MINISTER OF ISRAEL

(Mr. MCHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCHENRY. Mr. Speaker, it is our distinct honor to have had with us today Israeli Prime Minister Ehud Olmert, a valued friend and trusted ally in the war against Islamic extremism.

The Prime Minister's visit focused on three principal issues in the Middle East and around the world: The challenge posted by the Hamas-led Palestinian Authority; his plan to take steps to secure Israel if no peace-partner emerges from the Palestinian Authority; and the nuclear threat from Iran.

Our friend and ally in the Middle East, Israel, has elected a strong leader in Ehud Olmert, and it was clear today that he will have the strength and fortitude to carry forward his plan to have a safe and secure Israel. He gave a wonderful and strong speech.

Mr. Speaker, I am proud to be a supporter of Israel, proud to have had the opportunity to listen to the Prime Minister today, and I am pleased that

the leadership of this House and this Congress decided to welcome such a valued friend to this distinguished body.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

□ 2245

ILLEGAL IMMIGRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

Mr. MCHENRY. Mr. Speaker, today I rise to comment upon a very large issue on our national landscape, and that is illegal immigration. One of the underreported and often unreported issues is the ham-handed approach the government bureaucracy has when dealing with those that try to come to this country legally.

I have a constituent, Mete Adan, in my district, born in Turkey, who has spent the past 16 years, Mr. Speaker, trying to become a U.S. citizen the right way, the legal way.

He is a legal immigrant to this country. And my office has worked with him since September of 2005 helping him cut through the bureaucratic red tape and the outdated immigration process.

Due to the inefficiency of our current system, which, Mr. Speaker, I must say processes over 7 million immigration applications per year using paper printouts. While you have Amazon.com processing millions of orders a day and transacting money, our bureaucracy is processing 7 million applications each year using paper.

So Mete's case has been a 2½ year debacle within this bureaucracy, marked by mistakes, errors and blunders. Cases like this are happening all across our Nation. That is why we need a new system, a new technology, to deal with those that are trying to come here legally.

Mete said, "I am still waiting. And these guys are coming up from Mexico to get citizenship and do not deserve it: He said. They do not even speak English. Now, Mr. Speaker, this gentleman studied medicine in his own country and has come here in and worked legally. Legally. He has worked legally as a computer programmer. This gentleman is very highly trained and a good potential citizen for our country.

And let me tell you, Mr. Speaker, the USCIS, the Citizenship and Immigra-

tion Services, are the ones that are mishandling this. It is also the same bureaucracy that the Senate wants to saddle with processing 10 to 20 million illegal aliens for a guest worker visa. It is simply not possible. They process as I said, 7 million applications each other using paper printouts. When they do use computers, it is Windows 95, technology that is over 10 years out of date.

So, Mr. Speaker, I ask that we have a reasonable immigration enforcement policy, and that we also fix this outdated dysfunctional bureaucracy, so that we can process those that are trying to come here legally. And beyond that, perhaps at some future date, not now though, at the some future date, look at a reasonable fashion to bringing people here in a more reasonable way.

So, Mr. Speaker, I want to commend my constituent, and hopefully a new American citizen, Mete Adan. I appreciate his diligence in trying to do this the legal and right way. He is a testament to all of those legal immigrants that want to come and participate in the American dream. It is a strong story that we should all be proud of, of someone who wants to be American and hungers for freedom and the values of our society.

He is someone we should welcome to the United States. We should not have an amnesty program. We should have not a guest worker program. We should not have any of the other steps that the Senate is talking about in these current days.

Mr. Speaker, we should have a reasonable proposal and a reasonable way for people to come here and immigrate and be a part of our society. But say no to amnesty, to have border security and to do it the right way, while encouraging those that are doing it the right way, like Mete Adan.

The SPEAKER pro tempore (Mr. MARCHANT). Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

AMBASSADOR EVANS REPLACEMENT

Mr. PALLONE. Mr. Speaker, I ask unanimous consent to claim Mr. MILLER's time.

The SPEAKER pro tempore. Without objection the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

There was no objection.

Mr. PALLONE. Mr. Speaker, I rise tonight because the White House has finally made an announcement of what many of us already knew, that Ambassador John Evans of Armenia is officially being replaced.

Ambassador Evans has given exemplary service to his country, and was a well-respected ambassador in a region of strategic importance to the United States. However, as it turns out, Evans was forced to vacate his post for publicly affirming the Armenian genocide.

Reports highly suggest that because Evans declared that "the Armenian genocide was the first genocide of the 20th Century," he is being unjustly penalized for speaking the truth.

However, by employing the proper term last year, the Ambassador was only building on previous statements by our leaders in Government, as well as the repeated declarations of numerous world-renowned scholars. Ambassador Evans did nothing more than succinctly repeat the conclusions enunciated by many before him.

Mr. Speaker, it is my fear that the Government of Turkey may have played a role in this unfortunate event. I strongly believe that they have expressed concern to the White House over Evans' remarks last year. In fact, immediately following his remarks, Evans issued a correction, all too seemingly at the behest of the administration.

And we must not allow a third party to interfere in U.S. diplomacy and refrain from declaring the truth in order to promote relations with Turkey. To this day, the Republic of Turkey refuses to acknowledge the fact that this massive crime against humanity took place under its control in the name of Turkish nationalism.

Unfortunately some 90 years later, the U.S. State Department continues to support Turkey's denials despite all evidence to the contrary. It is simply unacceptable for this administration to penalize Evans for his comments.

What he did was courageous and should be viewed as such, not punished. Ambassador Evans simply articulated the same message as that of the administration. However the only difference was his assigning a word to define the actions taken against Armenians.

Ambassador Evans is in fact an expert on the subject. He has studied the history of Armenia and based on his substantial studies he was willing to go on the record and define the systematic extermination of 1½ million Armenian men, women and children as genocide.

Mr. Speaker, in early March I wrote a letter to the State Department because I was outraged to see that Ambassador Evans was withdrawn from Armenia. Based on news reports the State Department recalled the Ambassador as retaliation for his statements.

Over 2 months have passed since I expressed my disappointment and I have yet to receive a response from the State Department. I specifically asked Secretary Rice for an explanation as to why Ambassador Evans was removed from his post. Not only was my inquiry ignored, but other Member's inquiries have also gone unanswered.

Now the White House has made an official announcement, but still has not

given an explanation. Mr. Speaker, I hope that the newly-appointed U.S. Ambassador to Armenia, Richard Hoagland, will not play the word games of the White House and comply with Turkey's campaign of genocide denial.

Mr. Speaker, the New York Times did an editorial on May 16 this year detailing the dangers to Turkey and to the world of that country's continued denial of the Armenian genocide. I just want to read the last paragraph of that insignificant editorial. It says, "the preponderance of serious scholarship outside Turkey accepts that more than a million Armenians perished between 1914 and 1915 in a regime-sponsored campaign. Turkey's continued refusal to countenance even a discussion of the issue stands as a major obstacle to restoring relations with neighboring Armenia and to claiming Turkey's rightful place in Europe and the west. It is time for the Turks to realize that the greater danger to them is denying history."

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFazio) is recognized for 5 minutes.

(Mr. DEFazio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 5 minutes.

(Mr. ENGLISH of Pennsylvania addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

GAS PRICES AND ENERGY INDEPENDENCE

Mr. ETHERIDGE. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Illinois.

The SPEAKER pro tempore. Without objection, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

There was no objection.

Mr. ETHERIDGE. Mr. Speaker, as the Memorial Day Weekend approaches, with the unofficial kickoff of the summer driving season, I rise this

evening to say a few words about the energy crisis in this country.

Specifically, I urge this Congress to take immediate action to crack down on price gouging of gasoline and develop alternative fuels to free Americans from the grip of foreign oil. Over the past several weeks and months, gas prices have skyrocketed across the country.

Middle class families who were already feeling economic pressure of the rising cost of health care and college expenses are getting squeezed tighter still due to the higher price of gasoline.

According to the AAA fuel gauge report, my North Carolina neighbors are paying nearly \$3 a gallon for gas. I know I paid that much when I stopped and got gas on Monday and filled my car up. Now, as a former full-time small businessman for almost 20 years, I take no back seat to anyone in support of free enterprise market capitalism.

But the gasoline price gouging of American citizens must stop. Unfortunately, the administration has chosen to turn a blind eye to this urgent problem. Just yesterday, the head of the Federal Trade Commission argued against a new Federal law against price gouging by the oil companies and suggested that they be allowed to continue to reap the profits of American consumer's pain at the pump.

I am proud that my colleagues and I have introduced the Federal Response to Energy Emergency or FREE Act. I am pleased this House has passed this important legislation. I hope the administration will end its opposition and the Senate will put this into law shortly.

Over the long term, Mr. Speaker, Congress must exercise visionary leadership to pass policies that are innovative to secure America's energy independence.

Last month I hosted a summit on biofuels in my Congressional district to explore policy options to grow our way out of this energy dependence we have. This event featured local, State and national experts on energy, biofuel producers and State government officials.

We examined the current state of the biofuel development and explored how North Carolina as the third largest agricultural producing state can become a leader in biofuel production.

What we found is that we have the technology to make our own fuel from the products we grow in our fields today. For example, soybeans are the largest crop in my State of North Carolina, making up about 25 percent of the total acreage in our State.

We have the answers to our fuel crisis growing in our fields across America. In addition to the biofuels summit, I recently discussed this topic with the Second District Youth Advisory Committee, a group of young people. And let me tell you that these young people get it. They inherently understand that the U.S. reliance on imported fossil fuels is unsustainable and leaves us

vulnerable to developments far from our borders and not under our control.

Mr. Speaker, as a Member of the House Agricultural Committee and co-chair of the House Democratic Rural Working Group, I know firsthand that rural Americans feel this pain when they go to the pumps. But rural America will benefit from legislation my colleagues and I have introduced to encourage biofuel production and the usage of it in the United States.

Specifically this legislation will, one, increase production of American-made biofuels. Double the percentage of renewable fuels sold in America in 6 years, make sure that biodiesel and cellulosic sources are the key parts of that increase, and extends tax credits for ethanol and biodiesels through 2015, and increases tax benefits to small ethanol producers.

Mr. Speaker, in addition, the bill will expand the market for and the distribution of biofuels, invest in research and development to improve the use of renewable energy. And, finally, the bill will encourage local domestic ownership through Federal incentives to small ethanol and biofuel plants so that independent locally-owned facilities that produce biofuels can grow and thrive, improving our rural communities and creating jobs.

Mr. Speaker, I hope when Congress returns from the Memorial Day district work period that this House will pass this legislation to invest in America's energy independence.

I hope the administration will put the power of the Federal Government to work for the American people suffering at the gas pump, rather than the big oil CEOs enjoying record profits at their expense.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

(Mr. BILIRAKIS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 2300

FOSTERING OUR FUTURE ACT OF 2006

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, this week I introduced the Fostering Our Future Act of 2006, along with my colleague, the distinguished gentlewoman from Pennsylvania (Ms. HART).

This is a bill to help our Nation's foster youth by strengthening dependency courts and requiring accountability.

Foster care is a critical safety net for half a million abused and neglected American children. It is, however, a system in need of support and reform. 20 percent of all foster kids will be forced to wait over 5 years for a safe, permanent family. Even worse, almost

20,000 older youth age out of the system without the assistance of a permanent family every year.

Frequent foster home transfers create turbulence and insecurity that heighten the emotional, behavioral and educational challenges faced by these youth. The doubling of the foster care population since the early 1980s compounds this problem by creating enormous caseloads and taxing the capacity of foster homes.

The end result is that foster kids through no fault of their own are more likely to experience homelessness, unemployment and other life course problems despite their resilience and courage. Imagine what it is like to be 8 years old, neglected by your parents and then taken away from them. You are told that you must live with a family that is not your own. You would be confused by court proceedings that govern your future and frightened that you might be transferred to yet another home. You would certainly feel alienated from your peers who talk about mom and dad. Imagine what that must feel like.

These children deserve better. They should be guaranteed physical and emotional safety. They should have continuing relationships with caregivers and loved ones. They should have an informed voice in the legal decisions made about their lives. And they should enter adulthood prepared to live a happy, healthy and productive life. We have a responsibility to these children to meet these goals. Anything less is unacceptable.

Practitioners and policy experts have conducted thorough analyses and advanced proposals to overhaul the foster care system. The most prominent example, a comprehensive 2004 report by the bipartisan Pew Commission on Children in Foster Care identified several areas where the Federal Government could support these kids by strengthening the Nation's foster care systems.

The Pew Commission found that State dependency court systems were failing to sufficiently track cases and train personnel, because they do not receive Federal funds to do so. Inter-agency collaboration and performance measurement where they exist have been inconsistent both within and between States and tend to focus on bureaucratic needs rather than outcomes.

I was pleased earlier this year when under the leadership of the Ways and Means chairman of the subcommittee, Mr. HERGER, the committee passed legislation that included \$100 million in new funding to improve our foster care system. These funds have been allocated to improve juvenile and family courts, help track and analyze caseloads, train judges and other court personnel and bolster collaboration between State courts and State child welfare agencies. While this is a critical first step, it is time we implement the rest of the court-related provisions recommended by the Pew Commission,

and this legislation we introduced will do exactly that.

Our State foster care system struggled to retain qualified dependency attorneys who are often burdened by substantial debt. A recent survey found that one-third of practicing dependency attorneys graduated with over \$75,000 in outstanding loans, and 44 percent of them currently owe more than \$50,000. High turnover among dependency attorneys has led to a dearth of experienced lawyers who have a comprehensive understanding of the system and maintain valuable relationships with their young clients.

The Fostering Our Future Act that we are introducing responds to these shortcomings. It encourages Statewide interagency collaboration and data sharing. It ensures effective representation is available to children and families. It establishes a loan forgiveness program to attract and retain qualified child welfare attorneys. And most importantly, by focusing on child welfare outcomes, this legislation will keep the needs of children and families rather than the needs of bureaucracies front and center.

I commend the child welfare workers of America for the invaluable services they provide and for constantly struggling to get this issue the attention it deserves. Foster care plays a crucial role in the Nation's child welfare safety net, but it is in desperate need of change and support. I call on my colleagues to join us working for the day when all of our Nation's children are protected, nurtured and loved. And I invite you to join me in that quest by co-sponsoring the Fostering Our Future Act of 2006.

HONORING OUR VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. SCOTT) is recognized for 5 minutes.

Mr. SCOTT of Georgia. Mr. Speaker, this week as we begin to go into this weekend to celebrate Memorial Day, it is most fitting that we take a moment to say a word about our soldiers, those who have fallen, who have given their lives in battle for the protection of this country and the enhancement of freedom around the world. And so it is with great pleasure and honor that I start this recognition off recognizing the great courage and work of our soldiers.

From the Revolutionary War, as we recall, many soldiers who gave their lives to start the foundation of this country, many of those soldiers whose portraits hang in this great Capitol, several of those soldiers who walked with bloody feet through Valley Forge through the winter because we could not get them the proper boots to wear. But they went on and they fought against the odds and brought freedom and started this country; to the War of 1812; all the way through the Civil War, where brother fought against brother; the greatest contests in war that

proved the metal of this country, up through the Spanish American War and World War I and World War II. From the halls of Montezuma, to the shores of Tripoli, our soldiers have been there for us. The Korean War and on down through the Vietnam War, maybe not popular, but the soldiers went where they were called and performed admirably; through Desert Storm and now in the sandy storms of Iraq.

Mr. Speaker, I was just in Iraq in January, and one of the most memorable experiences I had during that trip was I was able to meet with our soldiers. And there was one soldier that, as I was in Camp Victory in Baghdad, who grabbed me and was hugging me so hard. Tears were coming down his eyes, tears coming down mine. And he said some words to me I will never forget. He said, Congressman SCOTT, when I am hugging you, it is like I am hugging a piece of home.

I never will forget that. And 3 weeks ago, that soldier was killed. And so, oftentimes, we go about our business, and oftentimes, we take our freedoms for granted. But that is why we have Memorial Day, to say to those who have given their lives for this country, for our freedom domestic, thank you. Because there is no greater love than the one that would give his life for another. To all the men and women in uniform, to all who have served this country, we say thank you on this, the beginning of the celebration of Memorial Day.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for half the time until midnight as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to come before the House once again. I would like to thank the Democratic Leader for allowing the 30-Something Group to come to the floor, Ms. PELOSI and also our Democratic Whip, Mr. HOYER, and Mr. CLYBURN, who is our chair of the Democratic Caucus, and Mr. LARSON, who is the vice chair.

Mr. Speaker, we were here the night before, and as you know, we come to the floor talking about issues that we would like to see brought to the floor and also talk about how we on the Democratic side would like to work in a bipartisan way to make America stronger.

Last night we talked quite a bit about energy. We talked about the difference between what we would do if we were in the majority versus what the Republican majority has not done and the cost it has brought about to all Americans. And it is very, very unfortunate that this continues to happen, and there is very little leeway that has been given to the American people as it relates to gas prices. We talked about the fiscal irresponsibility of the Repub-

lican majority that we are willing to work to pay as we go as it relates to our budget. We talked about the fact that students that are now graduating, that will be walking across the stage, a very proud moment for many Americans across the country, watching their young people pick up their diplomas, knowing that as they go to college they will pay more for college because the Federal Government or the Republican majority has decided to cut student benefits and also make it harder, make more of a reality of debt for students who are going to college because we have cut back, and we have Democratic initiatives to roll back the Republicans tuition tax on students.

When we talk about tuition tax on students, it is a tax on the parents and on the grandparents and the family that is trying to help that individual get through college, that is making sure that we have a stronger and brighter America in the future.

Of course, Mr. Speaker, we always talk about solutions, and we back it up with fact and not fiction. So we are here tonight, half of the time split before midnight, to talk about these issues quickly.

Tonight, as always, we have Ms. WASSERMAN SCHULTZ from Florida. We have Mr. DELAHUNT, who is going to join us tonight. We look forward to a fruitful dialogue with an abbreviated time.

Ms. WASSERMAN SCHULTZ, do you care to share anything because I am going to talk about the fiscal irresponsibility and how the Republican majority has allowed foreign countries to have a piece of the American apple pie? We talked about that last night as it relates to the irresponsible spending that has taken place, unaffordable and in many, many areas and is putting America more in debt, not only in domestic debt but foreign debt, unprecedented to any other time in the history.

Ms. Wasserman Schultz.

Ms. WASSERMAN SCHULTZ. I am glad you touched on that theme. It is a pleasure to be here once again for our 30-Something Working Group, where we try to talk about the issues from the perspective of our generation and also talk about the issues important to our generation. And for people in our generation and the point that we are at in our lives, what blows my mind and continues to baffle me since I arrived in the Congress last year was the crushing debt that we are buried under right now, and that is not reversing itself; that there are no efforts on the part of the Republican leadership to reverse course, to turn around and go in the other direction and return to the days when President Clinton was in office. We had a surplus, a budget surplus, when we had no deficit, when we had a much smaller debt in terms of our debt to foreign countries. Of course, we had debt to foreign nations but not nearly what we have today.

We have more debt combined under this President than the 42 other Presi-

dents that we have had previously. And normally we have charts that we can highlight.

Mr. MEEK of Florida. We have had 224 years, Mr. Speaker, of leadership that has only has been able to borrow \$1.01 trillion from foreign nations. The Republican majority along with the President has in 4 years, from 2001 to 2005, has been able to borrow \$1.05 trillion in just 4 years. Ms. WASSERMAN SCHULTZ, since we do not have our chart, I just wanted to give those facts.

Ms. WASSERMAN SCHULTZ. Absolutely. The three things I just want to hit on that are on all in that same theme: Last week, we passed a budget led by the Republican leadership here that just continues down that same path of irresponsible priorities; \$6 billion cut to Homeland Security over 5 years; \$488 million in 2007 alone. Cut the Army National Guard by 17,000 troops. The National Guard, which, if we all recall, the President just talked about deploying to the border, to our Mexican-American border to assist States in border security. On top of that, we are also deploying them to Iraq and Afghanistan. How thin can we spread them? And then on top of that, we are cutting the number of troops we give them.

It cut funding for equipment for firefighters and police; \$6 billion cut to veterans' services over 5 years. It tripled health care fees for veterans for TRICARE.

Let's fast forward to the tax reconciliation bill, which is the tax cuts that we made permanent under the Republican leadership's insistence. Let's talk about what that tax cut meant for real people. The tax bill that was signed this week by the President had Americans who made \$20,000 a year, they get \$2, \$2 in their tax break. And when I stand at a town hall meeting and ask folks to raise their hands, Mr. MEEK, to let me know, who is it among you who have actually received money in your pocket from the tax breaks that President Bush and the Republican leadership have handed out over the last number of years, in a room full of several hundred people, maybe I get two or three hands. Maybe.

□ 2315

Now, if these tax cuts are targeted like Democrats would design to working families and to people who really needed that money and would actually put it back into the economy so that could revitalize the economy, like buying big ticket items like refrigerators and televisions and other things that would inject cash into the economy instead of investing it, which is what the wealthiest among us would do, then I could understand letting us make those tax cuts permanent all day long, but unfortunately, we do not have any of those tax cuts.

We have tax cuts that puts \$2 back in the pockets of people who make \$20,000, and Americans who make \$40,000, they get a whopping \$16, but Americans who

make more than \$1 million get a thousand times that. They get \$42,000. They get to go out and buy a Hummer. They can buy a Hummer. That is how much money someone who makes \$1 million gets back, a Hummer, a Mercedes, a Suburban, a gas guzzler, and you cannot buy one of those with \$2.

Then let us add insult to injury, and last week there were comments made in this Chamber on this floor that people who make \$40,000 a year do not pay taxes. I mean, come on. Do you know anyone that does not pay taxes that makes \$40,000?

Mr. DELAHUNT. Of course not. I think we all know that is an inaccurate statement, but I think what is interesting or even more interesting—

Ms. WASSERMAN SCHULTZ. It is just out of touch. That is my point.

Mr. DELAHUNT. Is how are we affording these tax cuts? Who is paying? Where is the money coming from? You remember that movie about follow the money?

I think what is particularly disturbing is the reality that we are borrowing money to subsidize tax cuts that are skewed in favor, disproportionately, for 1 percent of the American people, and when you examine the record, and I understand we do not have any charts this evening, but when you examine the record, you discover that we are borrowing money from foreign countries to provide the funding for the tax cut, and that includes the People's Republic of China, mainland China.

Now, I know that there are many in this institution that are very concerned about the emergence of China as an aggressive competitor in terms of the global economy. Some would even suggest that China is a potential adversary, and yet, here we are, borrowing money from the People's Republic of China so that we can confer a disproportionate benefit on the top 1 percent of the American people.

If you give me just another moment, I think I have a chart here and I know that it is difficult to see, but let me hold it up and let me refer to it.

Public debt held by China quadruples under Bush. In the year 2000, American Treasury notes and bills in the possession of the Central Bank of China amounted to \$62 billion. That figure today is in excess of \$270 billion, four times more in the course of 5 years, four times.

Now, I think you would have to conclude that our relationship with China, both commercially, politically and in every aspect of that relationship, we are losing leverage.

Mr. RYAN of Ohio. Mr. Speaker, I think you make a great point and we have all these issues and China's rising and China's making investments and China's building their infrastructure and China's doing a lot of things that they have to do. Okay. That is their world and they can do what they have to do to be competitive, and you know what, God bless them.

Mr. DELAHUNT. Just a minute. They are holding Treasury notes, and the American taxpayer is sending money to China for the interest payments on those American negotiable instruments, on those Treasury bills. We are supporting education in China.

Mr. RYAN of Ohio. And I understand that, and my point is—

Mr. DELAHUNT. Not here in the United States but in China.

Mr. RYAN of Ohio. And I understand that and I think that that is true. China has their world. We are feeding them, we are feeding them, and we are not taking care of what we need to take care of here in the United States of America. We have only certain controls over what they do in China, and if they want to focus on manufacturing and this, that and the other, hey, that is their business, God bless them.

But when we are aiding them by paying interest on money that they loaned us, then we are contributing to the downfall of the middle class of the United States of America and, at the same time, not making the investments in what we need to invest in in the United States of America.

For example, the Democratic proposal, the Innovation Agenda for the Democrats is to make sure that we have research and development tax credits, making sure that we have broadband access for every single house in the United States of America in the next 5 years. We have a plan on becoming energy independent. There it is, becoming energy independent, getting off of the addiction to foreign oil. We need to stop and move in another direction.

We cannot control everything that China does, but we have all kinds of control of what we can do here in the United States of America, and if we do not start focusing on making America stronger, whether it is with innovation, energy independence, healthier citizens, more productive citizens, investment in education, these are the things that we need to do in the near future to help us compete in the long term against China, against India and against a lot of other countries like Ireland that want to compete against the United States of America.

Mr. MEEK of Florida. Mr. Speaker, very quickly, I believe we have until 34 after the hour. So let me just quickly, since you are talking about the debt and what this Republican Congress has done, we actually have a new chart here tonight.

As you know, Japan has bought \$682.8 billion of our debt. China, we are just talking about China, Red China, \$249.8 billion of our debt.

Mr. DELAHUNT. That China debt has to be updated because China is escalating.

Mr. MEEK of Florida. Okay, great. UK, \$223.2 billion; the Caribbean, \$115.3 billion; Taiwan, \$71.3 billion; and you have OPEC Nations that are oil Nations, \$67.8 billion; Germany, \$65.7 billion of our debt; Korea, \$66.5 billion of our debt; Canada, \$53.8 billion of our debt.

But let me just give you this silhouette here. This is the United States of America. It does not belong to those countries, and guess what, the American people have not delivered it to the countries. The policy of the Republican majority has delivered that debt and that ownership of the American economic pie in a record-breaking way, Mr. Speaker, in the last 4 years, \$1.05 trillion of foreign debt borrowed by this country and by this administration and by this Congress.

So it is very, very important, if we are going to have a paradigm shift, that we talk about those pay-as-we-go amendments. Time after time, if we say we are going to buy it, we are going to pay for it; we are going to find a way to pay for it. We just will not put it on the credit card.

Ms. WASSERMAN SCHULTZ. We are acknowledging, we are calling on the carpet the Republican leadership for plunging us into the most debt we have ever been in and piling it up in record time to boot.

We are borrowing and spiraling downward into tremendous debt to other nations, and then, on top of that, we are giving away our oil drilling rights that we are normally paid royalties for by the oil and gas industry. Last year, we passed two bills that basically give away those rights for free. We give them to the oil industry, and subsequently, several months later, they make more profits than any corporation in American history.

What would we do in the alternative? Finally, finally, there is leadership that is willing to step forward and adopt and propose an Innovation Agenda that would pledge to make us energy independent within 10 years. Our energizing American plan that was put together by the Democratic House working group that gets more specific than our Innovation Agenda. It talks about how we would increase production of American-made biofuels, using our cellulosic sources such as switch grass, producing ethanol through corn and possibly even through sugar cane, investing in research and development to improve the use of renewable energy. These are the commitments that Democrats would make.

So, Mr. Speaker, when people on the other side of the aisle throw out that Democrats do not have an agenda, well, here is a piece of it, Mr. RYAN just had a piece of it. There are three stacks of notebook, none of which are full of empty paper, Mr. Speaker, that outline our homeland security proposal, our domestic security proposals, our energy plan.

These are the things that we would address from day one when we are in charge of this Chamber. We would eliminate the corruption. We would make sure that this Chamber is run in a bipartisan way, as Leader PELOSI indicated just last week. We would adopt democracy once again in the United States House of Representatives which, quite honestly, is something I have not

seen since the first day I got here, and it is really depressing.

Mr. RYAN of Ohio. The Republican agenda today is to say the Democrats do not have an agenda. That is their agenda. That is all they have got. They have got no plan on energy, no plan on health care, no plan on education, no plan on reducing college tuition costs. They have got no plan on immigration. They have got no plans.

Ms. WASSERMAN SCHULTZ. It is like I could just close my eyes, and listening to the Republicans, point fingers and call names at us, I could just close my eyes and it is like I am listening to my twin 7-year-olds fight with each other: Yes, they are; no, they don't; yes, they are; no, they don't. That is all they are—

Mr. DELAHUNT. I hate to interrupt. I thank my friend from Florida. They have a plan which is to increase the debt that the American people owe to foreigners.

You know, those numbers that we were talking about in terms of China, that \$270 billion, let us just pick a number and try to help me calculate what the interest payments are to the Chinese Government every year, 4, 5 percent? Can we agree on 5 percent, because that is easy?

Well, what we are doing is we have a plan that is a consequence of their fiscal policy and their tax policy that sends in interest payments every year to China, \$25 billion a year. Now, when you stop and think about the \$25 billion that goes to China from the United States taxpayers every year, what could we do with that \$25 billion?

Ms. WASSERMAN SCHULTZ indicated there was a plan by Democrats regarding energy, ethanol, the use of farm products, biomass. I bet we could fund that program. I bet we could do more with that \$25 billion rather than send it to the Chinese, not to reduce principal but simply to pay the interest.

Ms. WASSERMAN SCHULTZ. We could do something crazy like collect the royalties from the oil industry and invest it on alternative energy sources like those. We could fund this plan backwards and forwards with the money we did not make them pay us.

□ 2330

That is what is so outrageous

Mr. RYAN of Ohio. This is a poorly run business right now. Our government right now is a poorly run business that wastes money. And in Iraq, they lost \$9 billion that nobody knows where it is. Royalties on the oil companies that we are just not getting because they get a lot of campaign contributions. Subsidies to the health care industry. And \$16 billion, as Ms. WASSERMAN SCHULTZ said, to the energy companies and the oil companies.

I mean, we are hemorrhaging here, and we are giving the millionaires \$42,000, and we are giving the oil companies \$16 billion. We don't have it to give you. I'd love to give it to you. It would be great if we could give everybody everything.

Ms. WASSERMAN SCHULTZ. But then we are cutting 17,000 troops out of the National Guard.

Mr. RYAN of Ohio. Bingo.

Mr. DELAHUNT. And in addition to China, Mr. Speaker, the OPEC countries, they hold debt, American debt, in excess of \$75 billion. Now, 5 percent of \$75 billion, you know, is probably \$4 billion, something like that. Those are just interest payments, Mr. Speaker, that we are sending to the OPEC countries. I mean, this makes no sense at all. It erodes the strength, the economic strength and the position of the United States of America in the international community.

The President often talked several years ago about creating an ownership society. What he failed to tell us was that America was being sold piecemeal to the Chinese, to OPEC and to the Japanese. I mean, we no longer own our wealth. It is foreign governments, foreign nations that are our competitors and our potential adversaries, according to some, that are buying America's wealth.

Mr. MEEK of Florida. Ms. WASSERMAN SCHULTZ, do you want to close real quick?

Ms. WASSERMAN SCHULTZ. I want to close with an observation that what has been frustrating to me is that there is no outrage on that side. Everything we are laying out is factual. We are not making it up. So why does the Republican head only appear to go one way, up and down? Yes, sir, Mr. Speaker. I am happy to do whatever you say. Sure, Mr. President. No problem. It would be nice if they had some joints that made their heads go in this direction and their voices could be lifted up against what is going on here. But, sadly, that doesn't happen.

Mr. RYAN of Ohio. And giving subsidies is like giving a drug addict more drugs. Giving subsidies to the oil companies. We are getting old school here, with the legal pad.

Mr. DELAHUNT. Going back to my era, aren't you?

Mr. RYAN of Ohio.

IMMIGRATION

The SPEAKER pro tempore (Mr. MARCHANT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for the remaining time until midnight as the designee of the majority leader.

Mr. KING of Iowa. Mr. Speaker, I do appreciate the honor to address you tonight, and the subject matter I wish to take up, along with my colleague from California, will be the subject of illegal immigration. We are continually discussing this issue because it is a big issue. It is complicated. It is very, very detailed, and it has many, many ramifications for the short term, mid term and long term.

As we speak, at least today and likely tomorrow, there will be more debate over in the United States Senate about

this very subject matter. And as we watch them make decisions over there, many of us in this Chamber and across the country get quite apprehensive as we review the decisions that are made there, which are recommendations to us here, because many times those decisions are made, I think, without considering and maybe even without access to the facts at hand.

As nearly as I can bring it up to date with the amendments that have been passed and the way the bill sets today, the cap that they have put on for a guest worker plan is 200,000 a year. That would be a flat number that would presumably increase, and it would go 200,000 each year.

There are a number of other categories there. As we know, we have visa categories all the way from A to V. And so with all these categories that we have, there are many different ways to legally come into the United States. So I would like to send a message out there to the people who have come into this country illegally or the people outside of America that are interested in coming to the United States to live and work and play. And that is that you can go to the Web page of the U.S. Consul, and on there, you can click your way through to find out how to come the United States legally.

That is the right way to do it. That is the way we welcome people here. That is the policy we have here in the United States of America, the country that has the most liberal immigration policy on the face of the earth. Any way you measure it, we have welcomed more people into this country legally. We have welcomed them here, and they have had the opportunity to pull themselves up by their bootstraps and contribute to this country. That is the right way to do things.

We have this debate going on in this country, and the debate, Mr. Speaker, is about illegal immigration and what to do with 10 or 12 or 20 or more million illegals in this country. There seems to be a lack of will in the United States Senate to enforce the law. In fact, it seems as though, if all the illegals in America lined up and said, I think I want to go home, a bunch of the folks in the United States Senate would say, please, don't comply with the law; we don't want that to happen.

Well, I will say that I want everyone to comply with the law in the United States. The law says, if you come into the United States illegally, the penalty you are facing is 6 months in jail and deportation. Those two penalties go along with that violation. If you make that violation and you are walking the streets of America today, that means you are here illegally. If you came into this country illegally and you are not lawfully present here and you don't have proof of how you might have come here in a lawful fashion, then you are guilty of a criminal misdemeanor punishable by 6 months in jail and deportation. So many of the people that were marching in the streets claiming they

were not criminals, yes, in fact, many of them were that day and are today criminals.

One of the issues we need to deal with are people who overstay their visas. At least 20 percent of the people that are here illegally come into the United States legally, as did the September 11th bombers. Some of them came here legally and then violated their visas and found themselves unlawfully present in the United States. That is part of it that we are not doing much enforcement of.

The balance of this, though, the vast majority, the mass quantity of humanity is pouring across our southern border at the rate of 11,000 a day, 77,000 a week, 4 million a year. That is a huge haystack of humanity. Some of that humanity is pretty good humanity, though they have still broken our laws. And then there is some of that humanity is not very good humanity, and in that group is the criminal element and the drug dealers and the terrorists, the needles within that 4-million-person haystack of humanity that must be sorted out.

It is not possible to sort them out with a haystack of 4 million strong. We have to cut down on the flow of humanity coming across our border.

I went down to the border about a week and a half ago and spent 4 days on the ground. I have sat through hearings in the Immigration Subcommittee, and I have done that for 3½ years, sometimes two and three and even four different hearings a week. And in that period of time, you pick up a lot of information about the immigration subject matter.

In reality, I had one of the more pessimistic views of how much illegal immigration was coming across our southern border, how many illegal drugs were coming across our southern border, how bad it is down there and how much crime comes along with it. So I went down there and spent those 4 days on the border, and I am prepared to go back to the border very soon. But it made me more pessimistic. It opened up my eyes more on how bad it actually is down there on the border.

The crime that was there in front of my nose almost every time I turned around with the interdiction of about 180 pounds of marijuana on one afternoon, and later in the afternoon, I went to a port of entry. And there on the Mexican side of the border there, I don't know if it was a drug deal that went sour there, but there was an interdiction. They brought one of the Mexican nationals that had been stabbed in the liver, and they brought him across the border in a Mexican ambulance, and we air-lifted him out to Tucson and saved his life. You and me, as taxpayers, we paid for that, and we pay for that on a daily basis.

Down there, at just that one port of entry, they get four of those a quarter, generally gunshot victims and, not as often, a knifing. So about 16 a year just at one small port of entry, with only

about 180 vehicles going through it a year, which gives you an idea of how bad it is at the rest of the border, Mr. Speaker.

So I am for sealing this border, and I am for shutting off the jobs magnet, and I am for eliminating the birthright to citizenship. But shutting off this border is not going to happen with the 11,000 people a day, 4 million a year pouring across that southern border.

So what I have done, Mr. Speaker, is I have designed a concrete wall to go down on the border. I would put it 60 feet on the north side of the actual borderline, so we could have a barrier fence right on the line, and then I would put the border fence, the border wall back about 60 feet, and we can top it with concertina wire, and I am going to demonstrate just exactly how I want to go about building that.

This cardboard box, Mr. Speaker, represents the desert in Arizona, New Mexico, Southern California or Texas. Some will argue that is not all desert down there, and it is not. But looking at this on the end, one can see that this is just a trench cut through the floor of the desert. Most of that is flat ground down there. Yes, there are rocks, and there is tough terrain in many of those places, but there are hundreds and hundreds of miles that lay out smooth and flat and without a lot of rocks in it and this ought to work pretty good.

We have a company that can build a machine, and that won't even be one of their biggest challenges, that can set in and drop in a trencher and slipform a concrete footing all in one operation. This is what I have designed.

This would represent that footing, and it would drop in the ground 5 feet deep. Here is a slot we would put precast panels in, and I will demonstrate that in a minute. But this concrete footing would be poured in right behind the trencher in a slipform fashion. And as you pull that in, an operation you might visualize like this, and as you establish this footing in place, it would sit here in the desert. The earth would go up to just about the top of this.

This would be about 12 inches thick, this portion of the footing here. You would have concrete in the ground at least 5 feet. It would look like this from the side, and then you would just simply go to work, picking off your truck that has delivered precast concrete panels. These panels would be 13 feet, 6 inches long. You would pick them up with a crane and drop them in something like this. You pick up the next one and drop it in something like that. And you just continue. Once the footing is poured, it doesn't take a lot of time and it doesn't take particularly a lot of skill to install the precast panels, Mr. Speaker. They look like that, and the last section like that.

Now, you can see what I have here is a concrete wall that is 12 feet high and it goes down underground a good 5 feet. It has 6-inch thick concrete panels on top. It will have a roll of concertina wire on top, at least one, maybe two.

We can put really any kind of fixtures on top here that we like and affix them to this concrete. If we want to do infrared or a camera setup, if we want to do vibration and motion sensors along this wall, we can do all of that.

But I think, for the most part, once we get the wire on top, they aren't going to want to test this wall, Mr. Speaker. They are just going to look at that and say, well, now they have built a wall I can't get over very easily, so I am going to go try to find something else.

But we need to put this in place where we have the most human traffic as fast as we can. It needs to be something that will stand up to the weather, something that doesn't rust out, something that is cheaper than the steel. If you buy that new steel, the steel prices have gotten too high. This concrete is substantially cheaper than the steel. And the construction of it is fairly easy. If you can slipform a footing, as I have demonstrated, it is very easy to set up these concrete panels.

A little company like I used to own before I came to this Congress and my son operates today could set a mile of this in a day pretty easily. You could move along pretty well. And there wouldn't be just one crew out there along that desert, and you wouldn't do 2,000 miles all in the same operation, Mr. Speaker. But this is a simple demonstration of what can be done with a rational approach.

We are spending \$8 billion on 2,000 miles. That is \$4 million a mile. Now, if you pay me \$4 million for a mile of that desert down there and say, guard that mile, Mr. KING, I would say, for \$4 million, you would not get a cockroach across that border. We can put a barrier in place so that humanity doesn't get across the border, and that will stop the lion's share, at least 90 percent of the human traffic going across.

There are \$60 billion worth of illegal drugs pouring across the border and much of it in the form of 50-pound backpacks that get tossed through the fence. They climb through and put the pack on their back and walk 20 miles through the desert to a pickup location.

□ 2345

You cannot stop that with a vehicle barrier or with a fence. You can only stop it with a wall.

Sure, they can dig under the fence, but we are going to be checking this and monitoring and patrolling it, and you will not have them tunneling underneath it in the desert where they have no place to hide the dirt pile. That will only happen in the urban areas where they can come up inside of a building and hide their dirt pile.

So this works very well for the vast stretches of the desert. Many of those areas they are not crossing very intensively at this point. They will. As we close this wall in, they will.

Somebody who knows something about the southern border and has been

articulate in his response and firm in his stance, and this is a time for courage and conviction. This is a time to stand up for the Constitution, the rule of law and for the future of America and stand up for Americans who respect that rule of law.

Mr. Speaker, I yield to Mr. ROHRABACHER from California.

Mr. ROHRABACHER. I want to thank you for the leadership you have been providing here. There have only been a few of us speaking up on this issue over the years. You have been a voice for reason and a patriotic voice, and there is nothing wrong with patriotism and believing in the United States of America and wanting to protect our people.

You have demonstrated today that we can control the border. There are between 15 and 20 million illegal aliens in our country. This is a dramatic threat to the well-being and security of our people. The education, the health care, the criminal justice system that is there to protect us, all are in the process of breaking down. You can see it in the Southwest in particular, but if we do not correct the situation, it will quickly spread to the rest of the country, and many of our friends in other States can see it happening in their States.

The wages of working Americans have been bid down, and less fortunate Americans have been knocked right out of their meager jobs as a result of this massive influx of illegals into our country. It is hurting the American people.

Just as alarming is the potential threat of 15 to 20 million illegals residing in our country. What potential threat? Well, one out of four of the prisoners of California's prisons are illegal, illegal immigrants. They have been convicted for murder, rape, and armed robbery. They are members of gangs. They deal in drugs and violence. And they should not even be here in this country. Our jails are bursting at the seams, and the criminal justice system is breaking down in California.

But, since 9/11, we are supposed to have been more committed to protecting America against threats like this. If not, at least against threats like terrorists. But for the last 3 years since 9/11, millions of people have crossed our border because we do not have the precautions that the gentleman from Iowa (Mr. KING) has demonstrated we could have. Millions of people have crossed the border, and crossed the border from Canada, as well as come into our country with visas and have overstayed their visas.

How many people who have crossed the border illegally are al Qaeda terrorists? We do not even know. But we know that al Qaeda has pledged to take as long as it takes to come here and kill Americans by the thousands. Yet our government, this administration, yes, and the last administration before it, has done nothing to protect the United States of America from this ob-

vious threat of having thousands, tens of thousands, hundreds of thousands, millions of people coming into our country, and we do not know who they are. If even 1 percent mean to do us harm, we are in great jeopardy.

Well, let us note that the people crossing the border, and with this many people crossing the border it does represent a monstrous threat. But it is not just crossing the border. That is about 20 percent of the illegals in our country are here why, because they have overstayed their visa.

I held a hearing in my subcommittee, the Oversight Investigation Subcommittee which I am the chairman of, and we found about 4 million illegals in this country out of the 20 million have come here with visas and overstayed their visas. That has to be dealt with.

Again, there has been nothing done to try to change the system to prevent people from crossing the border or to fix the visa system, both of which are elements of our society that need fixing and have been neglected. In many cases, we have an administration making decisions not to do things that will solve the problem.

Well, what we have here is, of course, people streaming into the country. Well, the border alone is not the issue. Weak borders do not cause them to flow here. There are weak borders into other countries, but people are not flowing into those countries.

The reason why we need this kind of protection is because our government is offering jobs and benefits to those illegals who can manage to get to our country. If on this side of the fence we tell people on that side of the fence if they can get across, we are going to provide them with jobs and a treasure house of benefits, this fence has got to be a lot stronger than anyone can imagine.

The real solution is this fence, coupled with a cutoff of the jobs and benefits that we give to illegals which attract them over these barriers. If we do not do that, it is not going to work. When the President says he is going to send so many thousand troops down to the border, I guess National Guard troops, whatever benefit that will have will be totally overwhelmed if the President continues a policy that will permit these people to have jobs and benefits here.

Why would they not come here for jobs and benefits when they are poor? Most of these people are good people, but we cannot afford to have millions upon millions of good people coming here, much less the threat of al Qaeda and the terrorists I just talked about.

One of the reasons why so many people are here today is also because, in 1986, our government granted amnesty to those 3 million people who were illegally in the country at that time. If we grant another amnesty, and amnesty is nothing more than legalizing the status of someone who is here illegally, if we do that, we will have another mas-

sive flood. It has resulted in 15 to 20 million illegals.

If we have another legalization of status, I don't care what kind of fence we build, what we are going to have is 40 million illegals here within a decade or two.

This problem, to be solved, has to get rid of the magnet, and that is the jobs and benefits that we give to people throughout the world. And any legalizing of status will make the situation worse.

What has happened, what we have had, of course, is American government turning a blind eye to those people coming across the border, a blind eye to people giving them jobs, and even a blind eye to the regulations that would keep them from draining the scarce resources we have in our country away from our own people to provide education, health care, food, and housing to illegals rather than that money going to our own people.

Our government is supposed to be watching out for our people, and the government officials have turned a blind eye to this, and now they act surprised that so many people have come here.

The American people now know that this is a threat to their well-being. The American people are aware that something has to happen. But why isn't something happening? Why is there so much confusion in Washington?

That is because powerful forces are at work in Washington to prevent our government, the people who make decisions, the people who work with Mr. KING and myself, the people who work in the executive branch, we have powerful interest groups at work here. Who are these groups? We have a business community that wants to bid down labor. They want cheap labor, and they are willing to basically destroy the essence of America in order to get cheap labor here.

Number two, there are people on the liberal left who want political pawns. They want millions of people here who are dependent on government programs so they can go right back to their Tammany Hall roots. This is their tradition of getting people dependent on government programs so they will give them power through the vote. They want political pawns, the liberal left; and the business community wants lower wages.

These are powerful interest groups that are at play right now and are preventing us from coming up to a solution to this horrible threat to America.

The U.S. Senate has passed a bill. Mr. KING just referred to it. But that bill is not an illegal immigration bill. It does not even strengthen the borders. That bill would make illegal immigration worse. Anyone suggesting that they are for the Senate bill are telling the American people that they want to make the illegal immigration worse. They want more foreigners to come here because they are willing to, what, continue giving all of the jobs and benefits to illegals.

They, in fact, have guaranteed in the Senate bill education benefits for illegals. They have in fact given them better work guarantees, that you cannot fire them without cause, as opposed to Americans who can be fired without cause.

The Senate bill is wrapped around one center core, and that core is a guest worker program. That guest worker program is nothing more or less than amnesty because it includes legalizing the status of illegals in our country. That Senate bill, number one, will give these benefits.

By the way, the Senate voted to make illegal immigrants eligible for Social Security. Wake up, America. Your United States Senate just voted to give illegal immigrants, make them eligible for Social Security. What kind of draw will that be? Hundreds of millions of desperate people with no pensions throughout the world will do anything to get over this fence if they are going to get a pension like we give our own people.

By the way, the Social Security system is not just a pension system. It is also a survivor's benefit system. Now who is going to game that? What can you expect? Someone comes here. They are part of the Social Security system, and even if they do go home and all of a sudden someone declares they are dead, or maybe they do die, and we get the note from the coroner that says Mr. So-and-so died. He was part of the Social Security system there. His survivors are his five children. Please start sending the Social Security checks to his five children until they are 18 years old.

If the Senate bill is passed and if those Senators who voted for it, we will be spending billions of dollars in sending checks overseas for survivor benefits for people who managed to get into the Social Security system. This is an outrage. The Senate bill needs to be defeated. We have the option, and I will leave it at that.

We do not need to have a guest worker program. We do not need to provide benefits. Our solution is easy: Build this fence so they cannot get through. Cut off the benefits. Make sure no illegal is entitled to government benefits and make it hard for them to get a job and they will go home.

Anyone who claims we have to have massive deportation, that is the only solution, massive deportation or amnesty, that is a disingenuous argument. No, we can reverse the trend and after a few years illegals will start going home because they have a tough time making it here.

Again, I thank Mr. KING for his leadership. We can come at this with a barrier. We can come at this by cutting off benefits, and we can save America.

Mr. KING of Iowa. I thank the gentleman from California (Mr. ROHR-ABACHER) for his remarks and his commitment to this cause.

I wanted to point out that this concertina wire or razor wire on top, we

can put two or three or four rolls up here.

Then I point out that this wall does not speak about America. We know that America is a magnet for people all over the world. It speaks about the failure in Mexico. The failure in Mexico is what drives people here. They have a corrupt society and a failed economy. They need to clean up their act.

Vicente Fox needs to do his job down in Mexico, rather than coming to the United States and interfere with the domestic policy of the United States. That would be a violation of the law in Mexico, for someone from the United States to go down there and interfere with their domestic policy.

Their domestic policy needs improvement. They need to get the corruption out. They need investment. And one day, when they clean up Mexico, this wall will not have to be here any longer.

When they do that, we can tear down this wall. We won't need it. This is a wall that can be torn down as easily or more easily than it can be put up. The footing will be there if we have to put it back again.

Mr. Speaker, these are all solvable problems, but they are issues that must be resolved for the benefit of the people of the United States of America. Everyone's immigration policy should be designed to enhance the economic, cultural and the social well-being of the United States of America.

Mr. Speaker, that is what Mr. ROHR-ABACHER is for, that is what I am for, and that is what the House of Representatives is for.

OMISSION FROM THE CONGRESSIONAL RECORD OF TUESDAY, MAY 23, 2006, AT PAGE H3077

A portion of the following bill, H.R. 5384 was inadvertently omitted from the RECORD:

After Sec. 748, insert:

SEC. 749. (a) Section 1307(a)(6) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7957(a)(6)) is amended—

(1) in the first sentence, by striking "2006" and inserting "2007"; and

(2) in the second sentence, by striking "2007" and inserting "2008".

(b) The authority provided by section 1307(a)(6) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7957(a)(6)), as amended by subsection (a), shall terminate beginning with the 2008 crop of peanuts, and shall be considered to have terminated notwithstanding section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907).

After Sec. 750, insert:

SEC. 751. The Secretary of Health and Human Services may require the holder of an approved application for a drug under section 505 of the Federal Food, Drug, and Cosmetic Act to conduct one or more studies to confirm or refute an empirical or theoretical hypothesis of a significant safety issue with the drug (whether raised with respect to the product directly or with respect to the class of the product) that has been identified by the Secretary. If the holder fails to comply

with such a requirement (including a requirement imposed before the date of the enactment of this Act as a condition of the approval of an application under such section), the Secretary may, after notice and an opportunity for a hearing, consider the drug to be misbranded under section 502 of the Federal Food, Drug, and Cosmetic Act.

CORRECTION TO THE CONGRESSIONAL RECORD OF MONDAY, MAY 22, 2006, AT PAGE H3003

Mr. KUCINICH. I want to extend my condolences to the family of our colleague Mr. CANTOR and also thank Ms. ROS-LEHTINEN for her leadership and her commitment to attempting to create peace, as well as to speak directly to my dear friend, Mr. LANTOS.

I think it is fair to say Israel has no greater champion in the Congress, and the American people have no greater champion for human rights than Mr. LANTOS. His escape from the Holocaust is a story worthy of being taught in all of our schools.

I am here to ask: Is the past prologue? Is war and violence inevitable, or do we have the ability to create a new future where nonviolence, peace and reconciliation are possible through the work of our own hearts and hands?

I would not take issue with my friend Mr. LANTOS's informed experience, and I join him in defense of Israel's right to survive. Mr. LANTOS is my brother. The Israelis are our brothers and sisters. The Palestinians are our brothers and sisters. When our brothers and sisters are in conflict, when violence engulfs them, it is our responsibility to help our brothers and sisters end the violence, reconcile and fulfill the biblical injunction to turn hate to love, to beat swords into plowshares and spears into pruning hooks.

These are universal principles that speak to the triumph of hope over fear. We must call upon Hamas to renounce terror. We must call upon Hamas to disavow any intention for the destruction of Israel.

This ought to be a principle of negotiation with Hamas, not separation from the aspirations of the Palestinian people to survive.

I think we can speed the cause of peace by calling upon Israel to accept the Palestinians' right to self-determination and economic survival and humanitarian relief, for food, medical care, for jobs.

I ask, how can we arrive at a two-state solution if we attempt to destroy one people's government's ability to provide? A two-state solution, I believe, can be achieved with our mutual, thoughtful patience and support.

At a time when the U.N. is reporting a pending humanitarian disaster in the West Bank and Gaza, I believe this legislation would restrict U.S. assistance to the Palestinian people delivered through nongovernmental organizations. We know that, today, up to 80 percent of all Palestinians, particularly in parts of the Gaza Strip, live at

or below the poverty line. Unemployment stands at 53 percent of the total workforce.

Just as I join my good friends on both sides of the aisle in speaking out against violence against Israel, I object in the strongest terms to any measure that will increase the humanitarian crisis of the Palestinian people. It is true that the recent Palestinian legislative elections have created a tense situation in the international community. It is a situation that demands thoughtful and deliberate action in pursuit of peace. Despite the best intentions of those who wrote this legislation, I do not believe this legislation will advance peace between the Palestinian and the Israeli people.

There are people in this Congress of goodwill and good intention who want to see both the Palestinian people and the Israeli people survive. Let us continue to work towards that end.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SKELTON (at the request of Ms. PELOSI) for today on account of attending the funeral of a friend.

Mr. KENNEDY of Minnesota (at the request of Mr. BOEHNER) for today on account of family business.

Mr. LINDER (at the request of Mr. BOEHNER) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SCOTT of Georgia, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2803. An act to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining; to the Committee on Education and the Workforce.

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on May 23, 2006, she presented to the President of the United States, for his approval, the following bill.

H.R. 1499. To amend the Internal Revenue Code of 1986 to allow members of the Armed Forces serving in a combat zone to make contributions to their individual retirement plans even if the compensation on which such contribution is based is excluded from gross income.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 1 minute a.m.), the House adjourned until today, Thursday, May 25, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7622. A letter from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting the Department's final rule—Safe and Disposal of National Forest System Timber; Timber Sale Contracts; Indices to Determine Market-Related Contract Term Additions (RIN: 0596-AC29) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7623. A letter from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting the Department's final rule—Sale and Disposal of National Forest System Timber; Free Use to Individuals; Delegation of Authority (RIN: 0596-AC09) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7624. A letter from the Acting Chairman, Federal Financial Institutions Examination Council, transmitting the 2005 Annual Report of the Appraisal Subcommittee, pursuant to 12 U.S.C. 3332; to the Committee on Financial Services.

7625. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Manufactured Home Construction and Safety Standards Technical Correction [Docket No. FR-4886-C-03] (RIN: 2502-A112) received April 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7626. A letter from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting the Department's final rule—Financial Crimes Enforcement Network; Amendment to the Bank Secrecy Act Regulations—Requirement That Mutual Funds Report Suspicious Transactions (RIN: 1506-AA37) received May 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7627. A letter from the Assistant General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting the Department's final rule—Equal Access to Public School Facilities for the Boy Scouts of America and Other Designated Youth Groups (RIN: 1870-AA12) received April 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7628. A letter from the Assistant General Counsel for Regulatory Service, Department

of Education, transmitting the Department's final rule—Parental Information and Resource Centers; Final Priorities and Eligibility Requirements—received April 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7629. A letter from the Assistant General Counsel for Regulatory Service, Department of Education, transmitting the Department's final rule—State Charter School Facilities Incentive Program—received April 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7630. A letter from the Assistant Secretary of Labor, Employee Benefits Security Administration, Department of Labor, transmitting the Department's final rule—Amendment to Prohibited Transaction Exemption 80-26 (PTE 80-26) for Certain Interest Free Loans to Employee Benefit Plans [Application Number D-11046] received April 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7631. A letter from the Secretary, Department of Transportation, transmitting the Department's request that Congress take prompt action to authorize the Department to reform fuel economy standards for passenger automobiles for the first time; to the Committee on Energy and Commerce.

7632. A letter from the Secretary, Department of the Treasury, transmitting as required by Executive Order 13313 of July 31, 2003, a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979, pursuant to 50 U.S.C. 1641(c); to the Committee on International Relations.

7633. A letter from the Secretary, Department of the Treasury, transmitting as required by Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the Development Fund for Iraq that was declared in Executive Order 13303 of May 22, 2003, pursuant to 50 U.S.C. 1641(c); to the Committee on International Relations.

7634. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Corrections and Clarifications to the Export Administration Regulations [Docket No. 060109005-6005-01] (RIN: 0694-AD67) received March 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7635. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Governments of Australia, Canada and Malaysia (Transmittal No. DDTC 013-06); to the Committee on International Relations.

7636. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed authorization for the export of significant military equipment (Transmittal No. DDTC 007-06); to the Committee on International Relations.

7637. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed authorization of the sale of significant military equipment to the Government of the United Kingdom (Transmittal No. DDTC 075-05); to the Committee on International Relations.

7638. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of

defense articles and services to the Republic of Korea (Transmittal No. DDTC 071-05); to the Committee on International Relations.

7639. A letter from the Acting Senior Procurement Executive, (OCAO), GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule—Federal Acquisition Circular 2005-08; Introduction—received January 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7640. A letter from the Chairman, National Credit Union Administration, transmitting the Administration's Strategic Plan for 2006 through 2011 and the Annual Performance Budget for 2006; to the Committee on Government Reform.

7641. A letter from the Chairman, National Endowment for the Arts, transmitting the Strategic Plan for FY 2006-2011, as required by the Government Performance and Results Act; to the Committee on Government Reform.

7642. A letter from the Deputy Director for Admin. & Info. Mgmt., Office of Government Ethics, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7643. A letter from the Deputy Director for Admin. & Info. Mgmt., Office of Government Ethics, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7644. A letter from the Executive Director, Pension Benefit Guaranty Corporation, transmitting Pursuant to Title II, Section 203, of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, the Corporation's Annual Report for FY 2005; to the Committee on Government Reform.

7645. A letter from the Deputy Assistant Secretary, Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting the Department's final rule—Bighorn Canyon National Recreation Area, Personal Watercraft Use (RIN: 1024-AC96) received May 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7646. A letter from the Acting Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Oil and Gas and Sulphur Operations in the Outer Continental Shelf (OCS)—Geological and Geophysical (G&G) Explorations of the OCS—Proprietary Terms and Data Disclosure (RIN: 1010-AC81) received March 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7647. A letter from the Deputy Assistant Secretary, Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting the Department's final rule—Fire Island National Seashore, Personal Watercraft Use (RIN: 1024-AC94) received May 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7648. A letter from the Deputy Assistant Secretary, Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting the Department's final rule—Gulf Islands National Seashore, Personal Watercraft Use (RIN: 1024-AD21) received May 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7649. A letter from the Deputy Assistant Secretary, Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting the Department's final rule—Pictured Rocks National Lakeshore, Personal Watercraft Use (RIN: 1024-AC93) received May 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7650. A letter from the Deputy Director, Regulatory Management Division, Department of Homeland Security, transmitting the Department's final rule—Special Immi-

grant Visas for Fourth Preference Employment-Based Broadcasters [CIS No. 2106-00] (RIN: 1615-AA47) received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7651. A letter from the Director, Office of Management Programs, Department of Justice, transmitting the Department's final rule—Minimum Qualifications for Annuity Brokers in Connection With Structured Settlements Entered Into by the United States [Docket No. CIV 105; AG Order No. 2807-2006] (RIN: 1105-AA82) received March 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7652. A letter from the Senior Counsel, Office of Legal Policy, Department of Justice, transmitting the Department's final rule—Eligibility of Arriving Aliens in Removal Proceedings to Apply for Adjustment of Status and Jurisdiction to Adjudicate Applications for Adjustment of Status [EOIR Docket No. 152; AG Order No. 2819-2006] (RIN: 1125-AA55) received May 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7653. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule—Nomenclature Changes Reflecting Creation of Department of Homeland Security—received March 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7654. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of Homeland Security, transmitting the Department's report on analyzing potential vessel routing measures for reducing vessel (ship) strikes of North Atlantic Right Whales, pursuant to Public Law 108-293, section 626; to the Committee on Transportation and Infrastructure.

7655. A letter from the Secretary for Regulation Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule—Board of Veterans' Appeals: Rules of Practice: Public Availability of Board Decisions (RIN: 2900-AM31) received April 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7656. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Report on Sales of Drugs and Biologicals to Large Volume Purchasers" in accordance with Section 303(c)(2) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003; jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BISHOP of Utah: Committee on Rules. House Resolution 835. Resolution providing for consideration of the bill (H.R. 5429) to direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain of Alaska, and for other purposes (Rept. 109-480). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 836. Resolution providing for consideration of the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes

(Rept. 109-481). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. BLACKBURN (for herself, Mr. SIMMONS, Mrs. MILLER of Michigan, Mr. MCCOTTER, Mr. PICKERING, Mr. CARTER, Mr. BISHOP of Georgia, Mr. BOUSTANY, Mr. SOUDER, Mr. FOLEY, Mr. MACK, Mr. HENSARLING, Mr. WILSON of South Carolina, Mr. CHOCOLA, Mr. ROGERS of Alabama, Ms. HARRIS, Mrs. BONO, Mrs. MUSGRAVE, Mr. WAMP, Mr. GINGREY, Mr. DOOLITTLE, Mr. GOODE, Mr. PRICE of Georgia, Mr. SHAYS, Mr. JONES of North Carolina, Mr. POE, and Mr. ISSA):

H.R. 5464. A bill to improve information security for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. CAPPS (for herself and Mr. TOM DAVIS of Virginia):

H.R. 5465. A bill to amend title XVIII of the Social Security Act to provide for coverage of comprehensive cancer care planning under the Medicare Program and to improve the care furnished to individuals diagnosed with cancer by establishing a Medicare hospice care demonstration program and grants programs for cancer palliative care and symptom management programs, provider education, and related research; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JO ANN DAVIS of Virginia (for herself, Mr. FORBES, Mr. GILCHREST, Mr. MORAN of Virginia, Mr. HOLDEN, Mr. TOM DAVIS of Virginia, Mr. SCOTT of Virginia, Mr. CASTLE, Mr. CANTOR, Mr. BARTLETT of Maryland, Mr. GOODLATTE, Mr. WOLF, Mrs. DRAKE, Mr. HOYER, and Mr. BOUCHER):

H.R. 5466. A bill to amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail; to the Committee on Resources.

By Mrs. DRAKE:

H.R. 5467. A bill to amend title 38, United States Code, to establish criminal penalties for the unauthorized disclosure of records containing personal information about veterans; to the Committee on Veterans' Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOSSELLA (for himself, Mr. FERGUSON, Mr. ENGEL, Mr. SWEENEY, Mrs. BONO, Mr. SESSIONS, and Mrs. LOWEY):

H.R. 5468. A bill to require that bioterrorism-related grants provided by the Secretary of Health and Human Services to States and political subdivisions of States be distributed on the basis of a risk-based formula; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILLMOR (for himself and Mrs. MYRICK):

H.R. 5469. A bill to require corporate income reported to the Internal Revenue Service to be included in annual reports to the

Securities and Exchange Commission; to the Committee on Financial Services.

By Mr. GOHMERT (for himself, Mr. HENSARLING, Mr. GUTKNECHT, Mr. CHABOT, Mr. BRADY of Texas, Ms. FOXX, Mr. CULBERSON, Mr. ROHR-ABACHER, Mr. AKIN, Mr. WAMP, Mr. GARRETT of New Jersey, Mr. RYAN of Wisconsin, Mr. FLAKE, Mr. CHOCOLA, Mr. MCHENRY, Mr. FEENEY, Mr. PRICE of Georgia, Mr. WELDON of Florida, Mr. GOODE, Mr. FRANKS of Arizona, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. CAMPBELL of California, Mr. HALL, and Mr. SESSIONS):

H.R. 5470. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to eliminate automatic increases for inflation from CBO baseline projections for discretionary appropriations, and for other purposes; to the Committee on the Budget.

By Mr. MCKEON:

H.R. 5471. A bill to provide to the Bureau of Land Management a mechanism to cancel certain mining leases for lands in the leases CA-20139 and CA-22901 and provide new leasing opportunities in the Soledad Canyon adjacent to the City of Santa Clarita, California, that reflect the historical mining levels, and for other purposes; to the Committee on Resources.

By Mrs. MYRICK (for herself, Mr. BALDWIN, Mr. NORWOOD, Mr. MURPHY, Mrs. CAPPS, Ms. ESHOO, Mr. WAXMAN, and Mr. DINGELL):

H.R. 5472. A bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers; to the Committee on Energy and Commerce.

By Mr. PASCRELL:

H.R. 5473. A bill to repeal the increase in tax on unearned income of minor children enacted by the Tax Increase Prevention and Reconciliation Act of 2005; to the Committee on Ways and Means.

By Mr. PORTER (for himself, Mr. GIBBONS, Ms. BERKLEY, Mr. LOBIONDO, Mr. WEINER, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, Mr. CARDOZA, Mr. RUPPERSBERGER, Mr. CLYBURN, Mr. CAPUANO, Ms. WATSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LINDA T. SANCHEZ of California, Ms. CORRINE BROWN of Florida, Mr. CONYERS, Mr. RANGEL, Mr. HASTINGS of Florida, Mr. FRANK of Massachusetts, Mr. HINCHEY, Mrs. JONES of Ohio, Mr. CLAY, Mrs. NAPOLITANO, Mr. THOMPSON of Mississippi, Mr. SERRANO, Mr. CROWLEY, Mr. ENGEL, Mr. TAYLOR of Mississippi, Mr. LANGEVIN, Mr. EMANUEL, Mr. MELANCON, Mr. LEWIS of Georgia, Mr. TOWNS, Ms. LORETTA SANCHEZ of California, Mr. ISRAEL, Mr. GONZALEZ, Mr. BERMAN, Mrs. MALONEY, Mr. THOMPSON of California, Mr. COSTELLO, Ms. SCHAKOWSKY, Mr. ACKERMAN, Mr. WEXLER, and Ms. JACKSON-LEE of Texas):

H.R. 5474. A bill to create a commission to study the proper response of the United States to the growth of Internet gambling; to the Committee on the Judiciary.

By Mr. ROGERS of Michigan (for himself, Mr. MILLER of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. SOUDER, Mr. WICKER, and Mrs. CAPITO):

H.R. 5475. A bill to amend title XXVII of the Public Health Service Act to permit a health insurance issuer an alternative to guaranteed issue of health insurance coverage in the small group market in order to promote affordable access to portable health insurance coverage; to the Committee on Energy and Commerce.

By Mr. STEARNS (for himself, Mr. NORWOOD, Mr. WESTMORELAND, Mrs. CUBIN, and Mr. OTTER):

H.R. 5476. A bill to withhold United States funding from the United Nations Human Rights Council; to the Committee on International Relations.

By Mr. KIRK (for himself and Mr. LANTOS):

H. Con. Res. 415. Concurrent resolution condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is; to the Committee on International Relations.

By Ms. MILLENDER-MCDONALD:

H. Con. Res. 416. Concurrent resolution honoring the members of the Armed Forces serving as health care professionals in Iraq and Afghanistan, and for other purposes; to the Committee on Armed Services.

By Mr. DUNCAN (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. YOUNG of Alaska, Mr. OBERSTAR, Mr. PETRI, Mr. DEFAZIO, Mr. MICA, Mr. COSTELLO, Mr. LATOURETTE, Ms. NORTON, Mr. LOBIONDO, Ms. CORRINE BROWN of Florida, Mr. SHUSTER, and Mr. FILNER):

H. Res. 837. A resolution supporting the goals and ideals of National Public Works Week; to the Committee on Transportation and Infrastructure.

By Mr. FERGUSON (for himself and Mr. ANDREWS):

H. Res. 838. A resolution expressing the sense of the House of Representatives that the Secretary of State should not accept the credentials of any representative of the Government of Libya until the Government of Libya has fully met its financial commitments to the families of the victims of Pan Am Flight 103 and that the President should urge the Government of Libya to make a good faith effort to resolve other outstanding cases of United States victims of terrorism sponsored or supported by Libya; to the Committee on International Relations.

By Mr. GOODE (for himself, Mr. JONES of North Carolina, Mr. PAUL, Mr. BARTLETT of Maryland, Mr. HOSTETTLER, Mr. DEAL of Georgia, Mr. SULLIVAN, Mr. GARRETT of New Jersey, Mr. WESTMORELAND, Mr. GINGREY, Mr. TANCREDO, Mr. ROHR-ABACHER, Mr. PRICE of Georgia, Mr. FEENEY, Mr. KING of Iowa, Mr. AKIN, Mr. DOOLITTLE, Mr. BARRETT of South Carolina, Mr. WAMP, Mr. WELDON of Florida, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. CULBERSON, Mr. MARCHANT, Mr. SAM JOHNSON of Texas, Mr. PITTS, Ms. FOXX, Mr. BURTON of Indiana, Mr. CARTER, and Mr. KELLER):

H. Res. 839. A resolution expressing the sense of the House of Representatives that officers of the Department of Homeland Security should not undermine the efforts of citizen groups such as the Minuteman Project to preserve the integrity of the borders of the United States and protect the Nation from intrusion; to the Committee on Homeland Security.

By Mr. HINCHEY (for himself, Mrs. JONES of Ohio, Mrs. MALONEY, Mr. GRIJALVA, Mr. BROWN of Ohio, Mr. RANGEL, Mr. SCOTT of Virginia, Ms. CARSON, Mr. SNYDER, Mr. SERRANO, Mr. JONES of North Carolina, Mr. MCGOVERN, and Ms. KILPATRICK of Michigan):

H. Res. 840. A resolution celebrating the remarkable life and accomplishments of Floyd Patterson; to the Committee on Government Reform.

By Mr. TANNER (for himself, Mr. CARDOZA, Mr. FORD, Mr. BERRY, Mr.

DAVIS of Tennessee, Mr. MATHESON, Mr. TAYLOR of Mississippi, Mr. SCOTT of Georgia, Mr. BOYD, Mr. MOORE of Kansas, Mr. HOLDEN, Ms. LORETTA SANCHEZ of California, and Mr. POMEROY):

H. Res. 841. A resolution amending the Rules of the House of Representatives to require committees to hold hearings upon the issuance of certain reports from an Inspector General or the Comptroller General the subject matter of which is within the jurisdiction of such committees; to the Committee on Rules.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

318. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 690 applauding the contributions of Pennsylvania's Taiwanese-American community and joining in support of the participation of the Republic of China in the role of World Health Organization observer; to the Committee on International Relations.

319. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 19 memorializing the Congress of the United States to enact H.R. 4761, the "Domestic Energy Production through Offshore Exploration and Equitable Treatment of State Holdings of 2006"; to the Committee on Resources.

320. Also, a memorial of the Legislature of the State of Kansas, relative to House Concurrent Resolution No. 5030 urging the federal government to lift the moratorium on offshore drilling for oil and natural gas; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 215: Mr. HOLDEN.
H.R. 558: Mr. PETERSON of Minnesota.
H.R. 747: Ms. CARSON.
H.R. 752: Mr. STUPAK.
H.R. 898: Ms. MCKINNEY.
H.R. 994: Ms. WATSON, Mr. GOHMERT, Mr. MEEHAN, Ms. HART, and Mr. ROGERS of Kentucky.
H.R. 997: Mr. WELLER, Mr. FOLEY, Mr. OTTER, and Mr. CARTER.
H.R. 999: Mr. UDALL of New Mexico.
H.R. 1175: Mr. BROWN of Ohio.
H.R. 1249: Mr. FOLEY.
H.R. 1366: Mr. PETERSON of Minnesota.
H.R. 1462: Mr. PETERSON of Minnesota.
H.R. 1494: Mr. HOEKSTRA.
H.R. 1498: Mrs. NAPOLITANO.
H.R. 1578: Mr. CULBERSON.
H.R. 1668: Ms. ESHOO.
H.R. 1671: Mr. BISHOP of Georgia, Mr. JINDAL, and Mr. FARR.
H.R. 1709: Mr. RYAN of Ohio.
H.R. 1807: Ms. ROYBAL-ALLARD.
H.R. 1951: Mr. NEUGEBAUER.
H.R. 1998: Mrs. NORTHUP.
H.R. 2037: Mrs. MYRICK.
H.R. 2076: Mr. PETERSON of Minnesota.
H.R. 2421: Mr. WELLER.
H.R. 2456: Ms. MCKINNEY.
H.R. 2631: Mr. KANJORSKI and Mr. FATTAH.
H.R. 2730: Mrs. BONO, Mrs. KELLY, Mrs. TAUSCHER, Mr. CRENSHAW, Mrs. NORTHUP, Ms. CORRINE BROWN of Florida, Mr. CARDIN, Mr. FILNER, Mr. BROWN of South Carolina, Mr. CALVERT, and Mrs. MYRICK.
H.R. 2990: Mr. BLUNT.

H.R. 3063: Mr. ORTIZ and Mr. BONNER.
H.R. 3194: Ms. LORETTA SANCHEZ of California and Mr. LYNCH.
H.R. 3255: Mr. CAMP of Michigan.
H.R. 3427: Mr. DENT and Ms. VELÁZQUEZ.
H.R. 3431: Mr. FRANKS of Arizona.
H.R. 3479: Mr. CLEAVER.
H.R. 3644: Ms. SCHAKOWSKY and Ms. MCKINNEY.
H.R. 3762: Mr. PRICE of North Carolina.
H.R. 3852: Ms. JACKSON-LEE of Texas.
H.R. 3875: Ms. JACKSON-LEE of Texas, Mr. PORTER, and Mr. PALLONE.
H.R. 4188: Mr. DAVIS of Illinois and Mr. JEFFERSON.
H.R. 4222: Mr. DAVIS of Illinois.
H.R. 4264: Mr. MILLER of North Carolina.
H.R. 4315: Mr. BAKER.
H.R. 4357: Mr. BISHOP of Georgia.
H.R. 4381: Mr. BAKER.
H.R. 4435: Ms. WOOLSEY.
H.R. 4613: Mr. SANDERS.
H.R. 4755: Mr. PRICE of North Carolina, Mr. STUPAK, Mr. EMANUEL, and Mr. BISHOP of Utah.
H.R. 4761: Mr. OSBORNE and Mr. TERRY.
H.R. 4809: Mr. AKIN.
H.R. 4854: Mr. GREEN of Wisconsin.
H.R. 4857: Mr. CALVERT.
H.R. 4894: Mr. ROGERS of Michigan.
H.R. 4903: Mr. STARK.
H.R. 4904: Mr. VAN HOLLEN and Mr. GALLEGLEY.
H.R. 4932: Mr. RYAN of Ohio.
H.R. 4941: Mr. BRADLEY of New Hampshire.
H.R. 4960: Mr. FITZPATRICK of Pennsylvania.
H.R. 4964: Mr. ROHRBACHER and Ms. BEAN.
H.R. 4982: Mr. FITZPATRICK of Pennsylvania.
H.R. 4993: Mr. REYNOLDS.
H.R. 4994: Mr. KANJORSKI.
H.R. 5013: Mr. BASS.
H.R. 5072: Mr. MARSHALL.
H.R. 5106: Mr. GORDON, Mr. HOLT, Mr. ETHERIDGE, and Mr. CUELLAR.
H.R. 5117: Mr. FITZPATRICK of Pennsylvania.
H.R. 5134: Mr. CASTLE, Mr. JENKINS, Mr. RUPPERSBERGER, and Mr. PRICE of North Carolina.
H.R. 5150: Ms. MATSUI, Mr. McDERMOTT, Ms. WOOLSEY, and Mrs. CAPPS.
H.R. 5166: Mr. MELANCON, Mr. WOLF, Mr. OXLEY, and Mr. TAYLOR of Mississippi.
H.R. 5170: Mrs. BONO and Mr. GILLMOR.
H.R. 5182: Mr. BONNER, Mr. BOREN, Mr. SPRATT, Mr. BOUCHER, Mr. CHANDLER, Mr. SCOTT of Georgia, Mr. DEFazio, Mr. RUPPERSBERGER, Mr. HIGGINS, Mr. OXLEY, Mr. BERMAN, Ms. SCHAKOWSKY, Mr. ANDREWS, Mr. PASTOR, Ms. MCCOLLUM of Minnesota, Mr. GERLACH, Mr. BOEHLERT, Mr. GENE GREEN of Texas, Mr. WALDEN of Oregon, Mr. JINDAL, Mr. PORTER, Mr. STRICKLAND, Ms. SLAUGHTER, Mr. McDERMOTT, and Mr. PRICE of North Carolina.
H.R. 5185: Mr. SCHIFF and Mr. BROWN of Ohio.
H.R. 5195: Mr. POE, Mr. SAXTON, Mr. FORBES, Mr. MORAN of Virginia, Mr. CANTOR, and Mr. SOUDER.
H.R. 5200: Mr. DAVIS of Illinois, Mr. DELAHUNT, Mr. ABERCROMBIE, Mr. McDERMOTT, Mr. RAHALL, and Mr. SOUDER.
H.R. 5201: Mr. PORTER, Mr. LoBIONDO, Mr. NEUGEBAUER, Mr. ABERCROMBIE, and Mr. DICKS.
H.R. 5206: Mr. BOOZMAN, Mr. BOEHLERT, and Miss McMORRIS.
H.R. 5208: Mr. FORD, Ms. GINNY BROWN-WAITE of Florida, and Mr. WESTMORELAND.
H.R. 5212: Mr. FILNER.
H.R. 5236: Mr. SCOTT of Georgia and Mr. ABERCROMBIE.
H.R. 5238: Mr. PAYNE, Mrs. CAPPS, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, and Mr. RANGEL.

H.R. 5247: Mr. LEACH, Mr. BERMAN, Mr. BURTON of Indiana, Mr. BROWN of Ohio, Ms. ROS-LEHTINEN, Mr. WEXLER, Mr. FOLEY, Mr. ENGEL, Mr. CROWLEY, Ms. WATSON, Mr. CHANDLER, Mr. DINGELL, Mr. ROTHMAN, Mr. NADLER, Mr. HIGGINS, and Mr. EMANUEL.
H.R. 5249: Mr. CARTER.
H.R. 5275: Mr. TOWNS and Mr. KILDEE.
H.R. 5278: Mr. BASS.
H.R. 5286: Mr. POMEROY.
H.R. 5315: Mr. LARSON of Connecticut, Mr. BISHOP of Georgia, Mr. SCOTT of Georgia, Mr. CASE, and Mr. TAYLOR of Mississippi.
H.R. 5319: Ms. BEAN.
H.R. 5333: Mr. PITTS.
H.R. 5345: Mr. MCINTYRE.
H.R. 5346: Ms. JACKSON-LEE of Texas and Mr. KUHL of New York.
H.R. 5356: Mr. GILCHREST and Mr. MCGOVERN.
H.R. 5357: Mr. GILCHREST and Mr. MCGOVERN.
H.R. 5358: Mr. GILCHREST, Mr. MCGOVERN, and Mr. AL GREEN of Texas.
H.R. 5371: Ms. SCHAKOWSKY.
H.R. 5382: Mr. MCGOVERN.
H.R. 5390: Mr. PAYNE, Mr. PLATTS, Ms. CARSON, Mrs. NAPOLITANO, and Ms. JACKSON-LEE of Texas.
H.R. 5399: Mr. McHUGH.
H.R. 5405: Mr. BURGESS, Mr. LINDER, and Mr. KUHL of New York.
H.R. 5432: Mr. WHITFIELD, Mr. BRADY of Pennsylvania, Mr. BOUCHER, Mr. MURTHA, Mr. LEWIS of Kentucky, and Mr. DAVIS of Kentucky.
H.R. 5452: Mr. FOLEY.
H.R. 5454: Mr. CONYERS.
H.R. 5455: Mr. MICHAUD, Mr. BOSWELL, Mr. GORDON, Mr. STRICKLAND, Ms. HERSETH, Mr. CROWLEY, Ms. PELOSI, Mr. OBERSTAR, Mrs. MALONEY, Mr. BOYD, Mr. McNULTY, Mr. EMANUEL, Mr. INSLEE, Mr. ORTIZ, Mrs. CAPPS, Mr. ROSS, Mr. GUTIERREZ, Ms. LEE, Mr. SANDERS, Ms. CORRINE BROWN of Florida, Mr. HOLT, Mr. KILDEE, Mrs. DAVIS of California, Mr. FARR, Mr. FORD, Mr. CASE, Mr. REYES, Mr. LARSON of Connecticut, Mr. NEAL of Massachusetts, Mr. HIGGINS, Mr. BARROW, Ms. SCHAKOWSKY, Ms. ZOE LOFGREN of California, Mr. TANNER, Ms. MATSUI, Mr. HOLDEN, Mr. MARKEY, Mr. ABERCROMBIE, Ms. ESHOO, Mr. DOGGETT, Mr. UDALL of Colorado, Ms. CARSON, Ms. KAPTUR, Mr. DINGELL, Mr. GENE GREEN of Texas, Ms. BERKLEY, Mr. CONYERS, Mr. MCGOVERN, Mr. WEXLER, Mr. DOYLE, and Ms. DeLauro.
H.R. 5463: Ms. FOXX, Mr. BURTON of Indiana, Mr. CARTER, Mr. TANCREDO, Mr. FEENEY, Mr. HOSTETTLER, Mr. BONILLA, and Mr. GARRETT of New Jersey.
H. Con. Res. 338: Mrs. JO ANN DAVIS of Virginia, Mr. TANCREDO, and Mrs. MYRICK.
H. Con. Res. 343: Mr. REYNOLDS.
H. Con. Res. 380: Mr. CONYERS.
H. Con. Res. 396: Mr. PAYNE and Mr. AKIN.
H. Con. Res. 397: Mr. ENGEL, Mr. SCHIFF, Mrs. MALONEY, Ms. KILPATRICK of Michigan, Mr. RUSH, and Ms. CARSON.
H. Con. Res. 401: Mr. NADLER, Mr. COSTA, Mr. FARR, Mr. FRANK of Massachusetts, Mr. GENE GREEN of Texas, Mrs. MALONEY, Mr. MELANCON, Mr. MOORE of Kansas, Ms. VELÁZQUEZ, Mr. STARK, Mr. FOLEY, Mrs. MCCARTHY, Mr. KIND, Mr. NEAL of Massachusetts, and Mr. GUTIERREZ.
H. Con. Res. 408: Mr. SOUDER, Mr. FRANKS of Arizona, Mr. WELDON of Pennsylvania, Mr. STEARNS, Mr. MCINTYRE, Mr. CHABOT, Mr. HIGGINS, Mrs. JO ANN DAVIS of Virginia, Mr. LANTOS, and Mr. BUYER.
H. Con. Res. 409: Mr. BURTON of Indiana, Mr. JEFFERSON, Mr. ROHRBACHER, Mr. ABERCROMBIE, Ms. ROS-LEHTINEN, Mr. MCCOTTER, Mr. WILSON of South Carolina, Mr. BLUMENAUER, Mr. ACKERMAN, Mr. CHABOT, Mr. SHERMAN, Mr. GALLEGLEY, Mr. PITTS, Mr. SMITH of Washington, Ms. WATSON, Mr.

CROWLEY, Mr. KIRK, Mr. WEXLER, Mr. ROYCE, Mr. BERMAN, Mr. MEEKS of New York, and Mr. SMITH of New Jersey.

H. Con. Res. 412: Mr. STEARNS, Mr. WAXMAN, Mr. CARDIN, and Mr. BERMAN.

H. Con. Res. 413: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ORTIZ, Mr. DOGGETT, Ms. JACKSON-LEE of Texas, Mr. EDWARDS, Mr. CUELLAR, Mr. GENE GREEN of Texas, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. CULBERSON, Mr. REYES, Mr. CARTER, Mr. THORNBERRY, Ms. GRANGER, Mr. NEUGEBAUER, Mr. HENSARLING, Mr. CONAWAY, and Mr. MARCHANT.

H. Res. 490: Ms. MCKINNEY and Mrs. MYRICK.

H. Res. 526: Mr. SHERWOOD.

H. Res. 608: Mr. PENCE.

H. Res. 688: Mr. DINGELL, Mr. PETERSON of Minnesota, and Mr. SANDERS.

H. Res. 784: Mr. WEXLER.

H. Res. 792: Ms. CORRINE BROWN of Florida, Mr. LEACH, Mr. WILSON of South Carolina, Mrs. MALONEY, Ms. KILPATRICK of Michigan, Mr. RUSH, Mrs. JO ANN DAVIS of Virginia, Ms. MOORE of Wisconsin, Mrs. JONES of Ohio, and Ms. CARSON.

H. Res. 794: Mr. BOOZMAN, Mr. STEARNS, Mr. GRIJALVA, and Mr. DOGGETT.

H. Res. 804: Mr. RENZI, Mr. MURPHY, Mr. NUNES, Mr. RYAN of Wisconsin, Mr. CHOCOLA, Mr. BRADY of Texas, Mr. CAMP of Michigan, Mr. SAM JOHNSON of Texas, Mr. LANTOS, Mr. FOLEY, Mr. Faleomavaega, Mr. LEACH, Mrs. JO ANN DAVIS of Virginia, Mr. McCaul of Texas, Mr. PENCE, Mr. SHERWOOD, Mr. MACK, Mr. GREEN of Wisconsin, Mr. TANCREDO, Mr. WELLER, Mr. SMITH of New Jersey, Mr. KING of New York, and Mr. PITTS.

H. Res. 812: Mr. PAYNE, Mrs. MALONEY, Ms. KILPATRICK of Michigan, Mr. RUSH, and Ms. CARSON.

H. Res. 828: Mr. ROYCE, Mr. BLUMENAUER, Mr. RUSH, Mr. CHANDLER, Mr. CHABOT, Mr. REYNOLDS, Mrs. JO ANN DAVIS of Virginia, Mr. YOUNG of Alaska, Mr. BERMAN, Mr. PENCE, Ms. BERKLEY, Mr. ROHRBACHER, Mr. BROWN of Ohio, and Mr. WEXLER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4755: Mr. PITTS.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

117. The SPEAKER presented a petition of the Gretna City Council, Louisiana, relative to Resolution No. 2006-038 urging the Congress of the United States to enact H.R. 4761, the "Domestic Energy Production through Offshore Exploration and Equitable Treatment of State Holdings Act of 2006"; to the Committee on Resources.

118. Also, a petition of the Common Council of the City of Plattsburgh, New York, relative to a Resolution endorsing House Resolution 635 in calling for a select bipartisan committee investigation of the Iraq pre-war intelligence and the Executive's post occupation conduct; to the Committee on Rules.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5427

OFFERED BY: Mr. KING OF IOWA

AMENDMENT No. 7: Page 47, after line 2, insert the following:

SEC. 503. None of the funds made available in this Act may be used for the Corps of Engineers to implement the Spring Rise, also known as the bimodal spring pulse releases, on the Missouri River.

H.R. 5427

OFFERED BY: MR. KING OF IOWA

AMENDMENT No. 8: Page 6, line 10, after the dollar amount insert “(reduced by \$15,000,000)”.

H.R. 5427

OFFERED BY: MR. KING OF IOWA

AMENDMENT No. 9: Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available in this Act may be used for the Corps of Engineers to implement the spring pulse releases from Gavins Point Dam on the Missouri River.

H.R. 5427

OFFERED BY: MR. INSLEE

AMENDMENT No. 10: Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act shall be used by the Federal Energy Regulatory Commission to enforce any claim for a termination payment (as defined in any jurisdictional contract) asserted by any regulated entity the Commission has found to have violated the terms of its market-based rate authority by engaging in manipulation of market rules or exercise of market power in the Western Interconnection during the period January 1, 2000, to June 20, 2001.

H.R. 5441

OFFERED BY: MR. CAMPBELL OF CALIFORNIA

AMENDMENT No. 3: Page 62, after line 17, insert the following:

SEC. 537. None of the the funds appropriated or otherwise made available in this Act may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

H.R. 5441

OFFERED BY: MR. STEARNS

AMENDMENT No. 4: Page 14, line 6, after the dollar amount, insert the following: “(increased by \$3,000,000)”.

Page 28, line 9, after the first dollar amount, insert the following: “(reduced by \$3,000,000)”.

H.R. 5441

OFFERED BY: MR. POE

AMENDMENT No. 5: Page 4, line 11, after the dollar amount, insert the following: “(reduced by \$41,000,000)”.

Page 4, line 13, after the dollar amount, insert the following: “(reduced by \$41,000,000)”.

Page 14, line 6, after the dollar amount, insert the following: “(increased by \$41,000,000)”.

Page 14, line 18, after the dollar amount, insert the following: “(increased by \$41,000,000)”.

H.R. 5441

OFFERED BY: MR. POE

AMENDMENT No. 6: Page 62, after line 17, insert the following:

SEC. 537. None of the funds appropriated or otherwise made available in this Act may be used to implement a plan under section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) that permits travel into the United States from foreign countries using any document

other than a passport to denote citizenship and identity.

H.R. 5441

OFFERED BY: MR. TANCREDO

AMENDMENT No. 7: Page 62, after line 17, insert the following:

SEC. 537. None of the funds made available by this Act may be used to administer any extension of designation made under section 244(b) of the Immigration and Nationality Act before the date of the enactment of this Act with respect to Guatemala, Honduras, or Nicaragua.

H.R. 5441

OFFERED BY: MR. HOLT

AMENDMENT No. 8: Page 3, line 15, after the dollar amount insert “(reduced by \$50,000,000)”.

Page 28, line 23, after the dollar amount insert “(increased by \$50,000,000)”.

Page 29, line 15, after the dollar amount insert “(increased by \$50,000,000)”.

Page 30, line 7, after the dollar amount insert “(increased by \$50,000,000)”.

H.R. 5441

OFFERED BY: MR. DEAL OF GEORGIA

AMENDMENT No. 9: Page 62, after line 17, insert the following:

SEC. 537. None of the funds appropriated in this Act may be used to grant birthright citizenship to the children of those individuals who are not subject to the jurisdiction of the United States, including the children of illegal aliens.